













PROCEEDINGS

AT THE

DEDICATION

OF THE

**Muskingum County Court House**

ON TUESDAY, MAY 1, 1877

INCLUDING ALL THE

ADDRESSES DELIVERED.

WITH AN APPENDIX CONTAINING

LISTS OF COUNTY OFFICERS, MEMBERS OF THE BAR OF THE  
COUNTY FROM 1804 TO 1877, ETC.

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ZANESVILLE, OHIO

PRINTED FOR MUSKINGUM COUNTY,  
1877.





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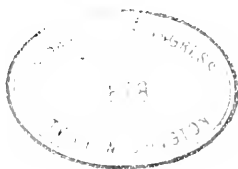
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ZANESVILLE, OHIO:  
PRINTED FOR MUSKINGUM COUNTY.

1877.



At a meeting of the Muskingum County Bar Association, held May 5th, 1877, it was

*Resolved*, That five hundred copies of the proceedings at the dedication of the new Court House be printed for the use of the Association: provided, that consent to such publication can be obtained from those delivering addresses on that occasion.

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The Board of County Commissioners for Muskingum county also ordered that an edition of one thousand copies be printed for general distribution among the people of the county.

PROCEEDINGS  
AT THE  
DEDICATION  
OF THE  
MUSKINGUM COUNTY COURT HOUSE.

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The new Court House in Zanesville was dedicated and formally opened for the uses of the public on Tuesday, the first day of May, 1877. The ceremonies were held in the Court Room.

At two o'clock P. M., E. E. Fillmore, Esq., as Chairman of the meeting, called the assemblage to order. He said:

ADDRESS OF MR. FILLMORE.

The year 1874 saw the venerable structure which for more than two generations had afforded room for our courts demolished. Immediately after was laid the foundation of this building. Then, for many successive months, the workmen were busily engaged in laying one stone upon another until the summit was reached. And now, in this year of our Lord 1877, the long-hoped-for, noble structure is finished: a credit to our city; a credit to Muskingum county and the State of Ohio: a credit to the Board of County Commissioners, to the architect who planned it, and to the master builders who have so faithfully executed the work. And to-day, my friends, we have met for the purpose of dedicating this *Temple of Justice* to the uses for which it was designed.

We say *Temple of Justice*, for the law contemplates that justice shall here be meted out to all those who may come to these courts to have their wrongs redressed, and to those who shall be brought hither to answer for their crimes against society. Not that equal and exact justice symbolized by the image upon the outer walls of this temple, which belongs only to the Deity Himself, and described in those striking words, "*Judgment will I lay to the line, and righteousness to the plummet.*" but the nearest approach thereto possible, taking into account the frailty of human nature.

Here will be a field for the display of legal talent. Here opposing counsel, each making his client's cause his own, will struggle for the mastery: but upon him who shall occupy the judgment seat will it devolve, mainly, to unravel the tangled skein, and give such an impartial statement to the twelve men of the vicinage as shall secure the ends of justice.

The legal profession is, beyond question, one of the most important connected with our civilization. None more honorable when honestly and conscientiously followed; none more damaging to the moral sensibilities of society when prostituted to base purposes.

May each member of this Bar, as the generations shall succeed each other, be enabled to appropriate to himself, as he nears his journey's end, language similar to that of the virtuous old Roman, who could say in the face of his bitterest enemy, "*Cato's voice was never raised to clear the guilty nor to tarnish crimes.*"

Our earnest prayer should be that those who shall here successively wear the ermine may be men who fear God and hate covetousness—men whose names shall be enrolled among the *just* judges by whom the world has been blessed. May they ever have before them the bright example of him, whose name has come down through the ages, surrounded by a moral halo, who, as he laid aside the robes of office, could say to the people, "*Here I am; witness against me. Whom have I defrauded? whom have I oppressed? or from whose hand have I received any bribe to blind mine eyes therewith?*"

It seems eminently proper on an occasion like this that the programme should provide for religious exercises; that "He in

whom we all live, and move, and have our being," should be distinctly recognized. Religion and law should always go hand and hand with each other. Religion should be to law, in its administration, what conscience is to the individual man. We should ever bear in mind that law is no mere human device, but is of divine origin. To quote the language of an able writer, "The divine decalogue contains the common fundamental points of every moral and legal code. Its aims are the moral perfection of the individual and the welfare of society." Moses, himself, elaborated from it no less than 365 positive and 248 negative obligations.

Such is law; and, when we view the subject in its length and breadth, its hight and depth, it excites our veneration.

In conclusion, may we hope that in this place truth and justice may prevail, and *the right always triumph over the wrong.*

After the conclusion of Mr. Fillmore's remarks, and music by the orchestra, an invocation was offered by the Rev. A. Kingsbury, D. D., which was followed by the singing of "Gloria in Excelsis," by a quartette.

The County Commissioners then, by Frank H. Southard, Esq., made presentation of the building to the people of the county. The following is the

#### ADDRESS OF MR. SOUTHARD.

*Mr. Chairman, Ladies and Gentlemen:* I am delegated by the Board of Commissioners of Muskingum county to make the formal presentation of our new Court House to the Bar and Public.

The building has been years in the process of construction, and has caused much anxiety and solicitude on the part of your Commissioners. But while they have felt a deep responsibility resting upon them as the representatives of the public interests in this great enterprise, they have been sustained and encouraged at every step by the generous support they have received from the people, and have felt gratified that the increased taxation incident to the undertaking has been so cheerfully responded to. As early as the year 1871, and

annually from that time to the present, has this taxation been going steadily on.

Your Commissioners having thus early anticipated the taxation, and having procured the necessary plans, specifications and detailed drawings from the very competent architect, Henry E. Myer, of Cleveland, awarded the contract of construction in the spring of 1874 to the enterprising contractor and builder, Thomas B. Townsend, of your own city.

This public enterprise was begun under favorable auspices by the Board of Commissioners, composed of Messrs. John Sims, William Hall and Leonard N. Stump; and it has been carried forward to its completion by their successors in office, Messrs. John Sims, Thomas Griffith and William T. Tanner, who compose our present Board.

The Boards thus composed, assisted by your efficient Auditors, A. P. Stults and James T. Irvine, carried forward this enterprise as expeditiously as the public interests would allow. They have studied diligently the public convenience; they have guarded well the public treasury; they have avoided all complications of the law, and with a consciousness that they have discharged the full measure of their duty, they ask as their only reward the *public approbation*.

At an aggregate cost not exceeding two hundred and sixty thousand dollars, this temple, reared in the interests of justice and the public convenience, is unexceptionable in its architectural beauty, ample in its accommodations, complete in all its appointments, the ornament of our city and the pride of our county. And as we tread to-day its spacious halls and corridors, let us reflect that the temples reared to religion and law are true indices marking the morality, intelligence and justice of our people: and let us reflect, too, with an honest pride, that in Ohio, one of the grandest of the States of our Union, with her millions of people, justly celebrated for their religion, their learning, their arms and their law, and with a century of prosperity marking their grand progress, this temple stands in the foreground without a rival of its kind in all her borders.

For myself and on behalf of the Commissioners I indulge the hope that all litigants who shall bring their causes to this

forum, shall be represented always by just and honorable counsel; that the chair of justice shall in the future, as in the past and present, be supplied with worthy men; and that the fair divinity, the blind goddess of Justice, who so mysteriously presides at courts shall ever hold her scales equal; that the Court, desiring to be just, shall preside with cool and impartial judgment; that counsel in their zeal for the interests of their clients shall never pass the domain of professional propriety, and that law shall be so administered as to increase the public faith and confidence in the administration of justice.

In the name, then, and on behalf of our Commissioners, Mr. O'Neill, I now tender to the Bar and public, through you, as their representative, this structure and pray its acceptance.

This was responded to by Hon. John O'Neill, accepting the building on behalf of the Bar and public.

#### ADDRESS OF MR. O'NEILL.

As the President of the Bar Association, and at their request, it is at once my privilege and pleasure to respond to the address in which you have been pleased, on behalf of the County Commissioners of old Muskingum, to present in such elegant and flattering terms their compliments and these magnificent Halls of Justice to the Courts and Bar of Muskingum county.

The members of the Muskingum Bar, with whom I have had the fortune and the honor of associating for more than a quarter of a century, have not improperly, perhaps, imposed upon me the duty of accepting this splendid present, and of tendering appropriate thanks to the Commissioners and the good people of the county for the erection of the superb and commodious edifice which we this day dedicate to public uses.

Human language can but feebly express the sentiments of pride and satisfaction our association feel in contemplating this new arena of our future combats, or the thanks they most cordially extend, through me, to the Commissioners and to the people for that generous spirit of liberality which has given to Muskingum county a Court House worthy of her wealth

and character, and not beneath the dignity and fame which her Bar at one time, at least, possessed.

Like the Phoenix from its ashes, this magnificent temple rises above the ruins of its predecessor, which seemed to grow more venerable in decay and dearer to memory as it vanished from our view. The State House of Ohio in the days of her young renown, and in after years the theatre in which the intellectual gladiators of the profession grappled each other and struggled for the victor's wreath on bloodless fields, the old Court House of Muskingum county bears memories sacred as those that cluster around the ancient fields of military fame. Here, in humbler apartments than the proud halls in which we delight to-day, the Casses, the Sillimans, the Culbertsons, the Herricks, the Harpers, the Stanberys, the Stillwells, the Converses, the Searles and the Goddards went down in defeat or rose in triumph with the vicissitudes of forensic warfare. With the memory of their intellectual conflicts will be forever associated the mental photograph of the old Court House that witnessed these marvelous "battles of the giants."

I confess to a weakness for the old Court House, and a tinge of melancholy over its departed glories, and the memory of those who made its every atom illustrious by their learning and eloquence.

But in paying a passing tribute to the past, we must not forget the more agreeable and hopeful solemnities of the present hour. We consecrate to-day a new temple of Justice. Justice is the bed-rock virtue of the human race. Man is essentially a social being. Society is essential not only to the happiness but to the very existence of man. But society cannot exist without law and order. Law is founded in Justice; it is not the arbitrary will of the law-giver enforced by power, for this would be tyranny; it is the will of the sovereign, whether king or people, directed by reason. Man is a rational being and a moral agent, and his laws must be reasonable and just. An unjust or unreasonable law is no law at all; it is the offspring of perverse will and a moral monster. The measure of Justice in human laws is the measure of man's civilization, and the measure of civilization is likewise the measure of rational liberty.



In order to the proper administration of the laws and thereby the maintenance of civil society, there must be established tribunals, or courts of justice, for their proper construction, interpretation and enforcement.

The mild, equitable and just system of our laws; the organization and equipment of the judicial department of our government, both National and State, for the protection of society, the redress of grievances and the enforcement of rights, and the multitude of magnificent buildings erected in every part of the country, for the convenient exercise of judicial functions, attest at once the high civilization and rational liberty of the age and country in which we live.

The people of Muskingum county have shown by the erection of this magnificent structure that they are not behind their contemporaries in the appliances of civilized life, nor in the culture, taste and love of order which mark the development and progress of civilized man.

The court house is only less sacred than the church. Every court house is a temple dedicated to justice and truth, and woe to them that pollute its sanctuaries with fraud and falsehood. The ermined judge charged with the *Urim* and *Thummim* to utter the oracles of the law is the high priest of the temple, and the legal fraternity, the ministers that serve around its altars. Their offices are the noblest and most exalted that pertain to any purely human occupation.

Many hard things, I know, have been said seriously as well as jocosely of the noble profession to which we belong. But this must be expected as long as human institutions remain imperfect, and human nature what it is.

It has been the custom of the world in all ages to crucify its heroes and benefactors, and heap praises on the ravagers of society and the disturbers of its peace and order. Nothing human can be absolutely perfect. The science of law, though the noblest of all secular sciences, is not wholly devoid of imperfections. And the members of the profession are not all immaculate. Truth and duty are the beacons that light them on to usefulness and honor. They who follow these lights are worthy the high dignity to which they have been called, and constitute the ornaments and glory of the profession. They

who swerve from the line of rectitude and honor to follow the dim and wicked lights that exhale like *ignis fatui* from the noisome regions of cunning, and trick, and falsehood, are the prostitutes and apostates of the profession.

They spring not from the profession, but from its abuse. They may disgrace themselves, but can never degrade a noble profession to their own level. *In* the profession but not *of* it in spirit, they can only serve by their squalid deformity to set off in bolder relief its chivalrous nobility.

Whatever may be said derogatory of the profession of the law, and we willingly concede and regret its imperfections, it must ever be regarded as a responsible, arduous, honorable, glorious calling. Its members have ever stood forth the champions of liberty, the terror of tyrants, the advocates of truth, the prop of governments, the refuge of the weak, and the shield of innocence.

As the intellectual is superior to the brute force in man, so is the legal guild of a nation more powerful than her bannered armies. Genuine civil liberty can exist in no land where the soldier outranks the lawyer—where the laurels of Caesar do not yield to the tongue of Tully. Warfare is at best but a state of legalized anarchy, and the soldier but the instrument of passion and violence, as the *whole* European world, I fear, will bloodily testify within the year in which we live. Peace is the normal condition of society, working out the problem of human happiness in harmony with the laws of man and the designs of Providence. Law is at once the beginning and the end of all human government. Government is founded upon and draws its legitimacy from the law of God, and its object and purpose must always be to enact, to interpret, and to enforce its own laws for the preservation of the social order and the promotion of individual happiness. The office of the law is to execute the justice of God upon earth. Its origin and its sanction are in God. To its keeping are intrusted the lives, the liberties, the happiness, the property and all the varied interests of society and individuals.

The profession of the law, therefore, must needs be the most arduous and difficult, as well as the most lofty and honorable of all human pursuits. And if it be entitled more than any

other to the respect and honor of society, its responsibilities and duties to society are of so much the more sacred and inviolable obligation.

As these reflections belong to this interesting occasion, I have uttered them as abstract propositions. And yet from my knowledge of the Maskingum County Bar, among whom I consider it an honor to be enrolled as an humble member, I think I can safely pledge them, in the presence of the people here assembled, to a faithful redemption of all the obligations which the noblest of professions casts upon them.

Let us by incessant industry and devotion to duty continue to maintain the integrity, the dignity and the honor of our profession. Let us shrink, as we would shun contagion, from every unworthy and dishonest practice that would tend to degrade our grand and noble calling. Let no act of ours put a stain upon the escutcheon of the Maskingum County Bar, or cast a shadow athwart the fair fame our predecessors at this Bar have transmitted to us to guard and defend.

So shall we win the respect and admiration of all honorable men, and leave to those who shall come after us the legacy of a good example and untarnished honor.

When another generation shall erect in the distant future a new temple to justice over the ruins of the one we dedicate to-day, may they look back upon us with as much pride as we feel in cherishing the memory of those who have gone before us, and may they be in the possession and enjoyment of the same degree of civil and religious liberty, under the protection of law, which it is our good fortune to enjoy in this our own day and generation.

At the conclusion of these exercises and music by the orchestra, the Chairman announced that the next thing in order was an historical address by Hon. M. M. Granger. Judge Granger's address was as follows:

## Muskingum County: Its Courts and Bar.

BY HON. M. M. GRANGER.

Assembled here to-day to mark by appropriate observances the opening of this Court House as a place for the public administration of justice, our memories are naturally busy with the past. To me has been assigned the duty of giving to those memories voice. As I attempt to fulfill that duty I invoke, in advance, your charitable judgment, because, lack of experience in historic investigation, insufficient material amid which search for facts could be made, and the many interruptions of my ordinary business, have combined to make my sketch of Muskingum County—its Courts and Bar, incomplete.

The year 1876 has accustomed us to inquiry touching the occurrences of one hundred years ago.

In the spring of 1777, as you all know, the British Ministry were hastening the preparation for the invasion of New York from Canada, by the army of Burgoyne, and Washington was planning how to assemble north of Albany a force sufficient to defeat that invasion. The minds of the England and America of that day were intent upon Lake Champlain and the sources of the Hudson. Few white men, then knew of the existence of our river Muskingum. The outer edge of the English settlements touched no foot of Ohio soil. A rude fort stood at Wheeling; a more military work, at Pittsburgh, commanded the junction of the Allegheny and Monongehala rivers; but these outposts were separated, by many miles of forest and mountain, from what could be called the *settled* districts. Neither our city, our county nor our State existed one hundred years ago. So far as this portion of the earth then possessed any political limits or organization it formed a part of the province of Canada, which according to "The Quebec Act," passed by the English Parliament in October, 1774, included all the territory north of the Ohio and east of the Mississippi, as well as what is now the provinces of Ontario and Quebec.

It is popularly supposed that what is now Ohio belonged to Virginia and was ceded by her to the United States.

I believe, however, that an examination of title will result in a conviction that Virginia had no valid title to any land north of the Ohio river, except such title as resulted from the assent of the United States to Virginia's "reservation" of the tract lying between the rivers Scioto and Little Miami, known as "The Virginia Military District." A brief history of the title of this land north of the Ohio may be interesting.

In 1578, Queen Elizabeth gave the first English patent for land in America to Sir Humphrey Gilbert, who upon establishing a plantation within six years from the date of the patent, was to own sole jurisdiction over the territory embraced within six hundred miles of said plantation. Gilbert failed to *establish* any settlement, although he tried to do so in what is now Nova Scotia.

In 1584, the same Queen gave a similar patent to Gilbert's brother-in-law, Sir Walter Raleigh, who effected a settlement at Roanoke, North Carolina. But some of his colony returned to England, and the remainder were never afterward seen by white men.

In 1606, King James I set apart a belt extending from Cape Fear, in North Carolina, to Halifax, in Nova Scotia, to be settled by two rival English corporations or companies. The London company had an exclusive right to occupy from 34° to 38° north latitude, and a contingent right between 38° and 40°, and by the terms of the charter their lands extended west and north-west to the South Sea. But by its terms the King retained "the right of future regulation," and the *actual* territorial rights were to be controlled by the location of the settlements made. For instance, their northern limit was to be fifty miles north of their *first* settlement. Had this charter remained unaltered, Virginia would have had its north line near the Rappahannock. Afterwards, by a second charter her extent was increased, but the Crown continued to claim, and to exercise without dispute, the right to grant to others lands not vested in the Company by actual settlement. Thus the Colonies of Maryland, New Jersey and Pennsylvania on the north,

and Carolina on the south, were successively established under royal grants upon territory that had at first been included within the Virginia charter.

But before King James, of England, granted to the Virginia Company these rights of settlement between latitudes 34 and 41, the King of France, in 1603, had by patent granted to one DeMonts the sovereignty of "Acadia and its confines," from the 40° to the 46° of north latitude; that is from Philadelphia to beyond Montreal. Under this patent the French in 1605 settled permanently at Port Royal. Then the Colonial enterprises of the two nations, begun about the same time, progressed with a rivalry that resulted in successive wars. The English confined themselves to the tract east of the Alleghenies and south and west of the Penobscot. The French founded Quebec and Montreal, ascended the St. Lawrence, the Sorel and Lake Champlain, and established a fortified boundary, which included in French territory parts of New York and Pennsylvania, and every foot of land north and north-west of the Ohio. And all of it was firmly held by them until Wolf's victory on the plains of Abraham produced the peace of Paris in 1763, by which, *for the first time*, the title passed to England.

And the first English state paper applicable to our Ohio and Muskingum history was a proclamation issued soon after this treaty, by which "all the country beyond the Alleghenies" was shut against emigrants, "from fear that remote colonies would reclaim the independence which their position would favor." As wrote Lord Barrington: "The country to the westward of our frontiers quite to the Mississippi was intended to be a desert for the Indians to hunt in and inhabit."

The "Quebec Act" before referred to, passed in October, 1774, eleven years after England first owned "north-west of the Ohio," as I have said, made the Ohio the southern boundary of Canada. By the treaty of 1783, England ceded to the United States all the land south of the lakes and east of the Mississippi, and thus, prior to Virginia's deed of cession, our nation was the lawful owner of every foot of land on our side of the Ohio river. Like a prudent farmer, however, the United States finding that Massachusetts, Connecticut and Virginia claimed title

to parts, or the whole of it, (and the claims of the two New England States were every whit as valid as that of Virginia), while other States also made claims, took deeds of cession from all, and thus "quieted her title."

Ohio and the North-West were won for the nation by national armies commanded by Washington and his generals, and by the diplomacy of Franklin and Adams, supported by the patriot people of the United States. On July 13, 1787, the Continental Congress passed an ordinance for the government of the territory north-west of the Ohio. This contained the celebrated prohibition of slavery which formed the foundation of the policy of freedom. No settlements were made in Ohio until April 7, 1788.

On August 7, 1789, the first Congress, under the Constitution, substantially re-enacted the ordinance of 1787, and organized "The North-West Territory," which was governed for thirteen years by Arthur St. Clair, an emigrant from Scotland, who had served as a general officer through our Revolutionary War. By act of April 30, 1802, a State organization embracing what is now Ohio was authorized, and Ohio became a State on November 29, 1802. I repeat these dates as necessary to a complete statement of facts, although I well know that you are familiar with them.

Let me here, before noticing the few occurrences within our limits, that transpired during the eighteenth century, ask you to fix in your minds the boundaries of our county.

The State of Ohio when admitted to the Union contained only nine organized counties. Of these, five, Trumbull, Jefferson, Belmont, Fairfield and Washington embraced nearly all of the State east of the Scioto river, while the other four Adams, Ross, Clermont and Hamilton, included all of the State south of the Indian line and west of the Scioto, as well as a strip along the eastern bank of that river. The Indian line, to which I have referred, ran from the Tuscarawas river, at the point where the south line of Stark county crosses that stream, southwesterly along the north line of Knox county, making one straight course from the Tuscarawas to a point near the north east corner of Darke county. The land north

of the Indian line and west of the Cuyahoga, and nearly all what is now Michigan was "Wayne" county, but the inhabited part being north of our State line, the original Wayne became a county of Michigan, and after 1810 Ohio created a new county of that name. The General Assembly of Ohio, by an act passed January 7, 1804, [see 2d Ohio Laws, pages 68, &c.] created MUSKINGUM COUNTY out of Washington and Fairfield. This act took effect, and the existence of our county dates from the first day of March, 1804. Elias Langham was then Speaker of the House of Representatives, and Nathaniel Massie Speaker of the Senate. Of Langham I can tell nothing, except that he represented Ross county. Massie was a pioneer, Indian-fighter, a land surveyor. Born in Virginia, he drifted into the Ohio Valley. By his energy and efforts Manchester, in Adams county, on the Ohio, and Chillicothe, in Ross county, were settled. He was a noted man in the Scioto Valley.

Our County then possessed extended limits. Beginning on the Indian line at what is now the north-east corner of Knox County; our west line ran along the east lines of what are now Knox and Licking, to the western edge of the elbow in our township of Hopewell; thence south through Perry County to the south-west corner of Clayton township. This point is north of the C. & M. V. Railway, not far east of Wolf's Station, or Junction City. There our south line began and ran due east across Morgan County, keeping a bout three miles south of our present line, and on through Noble County to the north-east corner of Jefferson township in that County. This point is about ten miles south of east from Caldwell. There our east line began and ran due north to the north-east corner of what is now Tuscarawas County. What is now the north line of Tuscarawas, and so much of the Indian line as crossed Holmes County, composed our northern boundry. Thus Muskingum County was about sixty miles long from north to south and about forty-five miles wide, and contained nearly twenty-seven hundred square miles.

By a law taking effect March 15, 1808, Tuscarawas County was created, by another on March 1, 1810, Guernsey County was constituted, and our width was reduced to twenty-five



miles—the same as now. By another law taking effect March 1, 1810, Coshocton County was marked off, but remained “attached” to Muskingum until April 1, 1811.

Only one other change in our boundaries was made, by laws taking effect March 1, 1818, creating Perry and Morgan. For almost sixty years our bounds have remained exactly as they now are; and so long as the Constitution of our State shall remain as it is touching “new Counties” no further change will probably be made. Old Muskingum will, so far as concerns her extent, be to your grand children, as she is to you this day. Within these present limits were a number of Indian towns. Several of these stood near the village of Dresden: one east of the river and others on the “Wakatomika creek,” from which they took name as “The Wakatomika towns.” Another was at or near Duncan’s Falls. The discovery of great numbers of flint implements within the bounds of Zanesville indicates that here, also, were homes of the same red race. The ford, the falls, the good fishing places, all united to invite the savage to here fix his home. In Hopewell township, on Flint ridge, are found many traces of the work of some pre-historic race as well as of the Indian. And mounds and trenches in divers other parts prove that the mysterious “People of the Mounds” once lived in Muskingum County. So far as I have been able to learn only one instance of actual warfare has ever occurred in our county, and it was one hundred and three years ago,—in June, 1774. About four hundred men rendezvoused at Wheeling, under Captain Michael Cresap and others, went by boat down the Ohio to the mouth of Captina Creek, near the south line of Belmont county; thence guided by Jonathan Zane and others, they marched through Belmont, and Guernsey and Muskingum to “Wakatomika,” about six miles from Dresden, and on the east side of the river they met the Indians. A Scotch officer called Angus McDonald, and ranking as Colonel, had overtaken the force and was in command. A skirmish ensued. Two whites, named Martin and Fox were killed; both by the same ball. Eight or nine were wounded. A soldier named Wilson shot the Indian who had killed Martin and Fox. The Indian losses were not known, but they retreated—abandoned the east side of the river—and in a day or

two Cresap, by a night movement and early attack, seized their towns on the Wakatomika, and they sued for peace. Five of their chiefs were given as hostages pending negotiations. While these tardily progressed, the savages quietly moved their families and effects and two hostages escaped. The little army then moved up the west bank of the river about a mile, had another skirmish, with a small loss on both sides, and burned the towns and cut down the growing corn. This having been done, the expedition retraced its steps to the Ohio, taking along the three chiefs as hostages, and they were sent to Williamsburg, Virginia. In the fall peace was made and they were released.

No settlements were made by the whites within our present county limits until after General Wayne by his vigorous campaign in the Auglaize and Maumee country had so thoroughly defeated the red men that they gladly made peace. Long before Tecumseh inspired the tribes along the Wabash to resume hostilities in a vain effort to stay the ingress of our race upon their hunting grounds, the valley of the Muskingum had ceased to belong to the "frontiers." I can, therefore, recount to you no tale of savage barbarity or heroic adventure. The internal or home history of our county covers seventy-three years of peace.

But the recruiting drum has more than once called Muskingum soldiers to the national armies in times of war.

During the war with England—1812-1815—sundry squads or fragments of companies, some for field service and others for duty in the Quartermaster and Commissary departments of the army first of Hull and afterwards of Harrison, were enlisted here. One of our lawyers of that day, Lewis Cass, was made colonel of one of the regiments in Hull's army, and showed such spirit at the time of the ill-advised surrender of his general, that after promotion to the rank of brigadier general, he was at the close of the war appointed Governor of Michigan Territory. His subsequent services as minister to France, as a United States Senator and a Cabinet Officer, are too well known to need special mention here.

The personal hostility of Van Buren and his partisans alone prevented Lewis Cass from holding the Presidency of the Uni-

ted States from 1849 to 1853. No lawyer who ever belonged to the Bar of Muskingum County obtained greater distinction or served his country more usefully than Lewis Cass. The spirit of loyalty to his country's flag that inspired him in his youth at Detroit, was with him in his age; he refused to remain Secretary of State when President Buchanan declined to openly contend against the secession rebellion.

In 1836, some of the young men of Muskingum yielded to the desire for adventure and to their sympathy for the Texas revolutionists, and served with credit in the army of that struggling Republic.

In the spring of 1846, the news of General Taylor's combats at Palo Alto and Resaca de la Palma, and the call of President Polk for volunteers, excited the martial spirit of our people. Muskingum furnished her quota of volunteers. Many of you remember the camp on Putnam Hill, the rendezvous of this valley. Our volunteers served in the third Ohio, commanded by Colonel Samuel R. Curtis, then of Mt. Vernon; the same officer who in the war with the rebellion became a Major General and held high command in Mississippi, Kansas and Arkansas.

But few knew the military spirit of our people prior to the firing on Sumpter and President Lincoln's call for seventy-five thousand men in April, 1861. The morning papers of Monday made known the call. By Thursday, Captain John C. Hazlett's Company "H" of the first Ohio, having reported "full," at Columbus, was passing through Pennsylvania en route for Washington; and Captain Ephraim P. Abbot's Company "E" of the 3d Ohio, had filled its roll. Captain R. W. P. Muse's Company for the 16th Ohio soon followed; then Captain Sheldon Sturges' Company in the 24th Ohio. Then Captain B. A. Blandy's Company, which was divided, part going into the 25th Ohio, with Lieut. B. W. Blandy. Then Captain W. D. Hamilton's Company of the 32d Ohio, followed by the second Company raised by Captain Hazlett for the 2d Ohio.

I cannot take time to enumerate each organization that followed—but besides filling several companies in the 62d, 78th, 97th, and 122d Regiments, Muskingum men served in the 1st,

2d, 3d, 5th, 15th, 16th, 19th, 24th, 25th, 26th, 27th, 30th, 32d, 44th, 76th, 127th, 159th, 160th, 178th, 180th, 185th, 193d, 194th, and 195th Ohio Volunteer Infantry; and in the 1st, 8th, 9th, 10th, 11th, 12th, and 13th Ohio Cavalry, and in the 18th U. S. Infantry. The county furnished more soldiers than Taylor had at Palo Alto; assembled they would have made a very large brigade; or have equaled many a division.

Time and space are not now at command in which to even outline their marches and their services, or to name those who merited or won distinction. Soldiers of Muskingum were at Rich Mountain, where Rosecrans won the first Union victory; at Bull Run where we suffered our first great defeat; at Fort Donelson where we captured our first army; at Shiloh where twenty thousand men killed and wounded on both sides, proved the courage and firmness of both North and South; at Kernstown when "Stonewall" Jackson met his first repulse; in the Seven Days before Richmond, under McClellan; at Cedar Mountain, under Banks, against "Stonewall;" at Pope's Bull Run; at Antietam; at Chancellorsville; at Vicksburg; at Gettysburg; at Chickamauga; at Chattanooga; with Grant from the Rapidan to Petersburg; with Sheridan in the Shenandoah Valley; with Sherman after Chattanooga to Knoxville; on the raid from Vicksburg to Meridian; through the Atlanta campaign; and in the march to the sea: with Thomas when Hood sought and found his own overthrow; with Sherman from Savannah to Goldsboro; with Grant and Sheridan at Appomatox; with Wilson and his cavalry from the Tennessee to Macon; with Stoneman across the mountains, and through West-North-Carolina; with Sherman when Johnston and his army surrendered.

Let a chronicler recount the story of Muskingum soldiers during the war with the rebellion, and few of its combats will be unnamed. When the war ended the roll of Muskingum men who found death in their country's service numbered more names than any man in December, 1860, when Major O'Neill and others, and myself, spoke at the union meeting at Beard's Hall, supposed could be recruited in the county for the war. As a straw to indicate the feeling the day after the South Carolina Convention had adopted its secession ordinances: one of

our Bar—then a believer in the right of secession—said to me: “You can’t raise a regiment in all of Ohio south of the national road to fight the South.” I replied: “We can raise a regiment in Muskingum County alone!” Events proved that I might have said a brigade.

As already said—we have not time to name all who merited or won distinction. It may, however, interest you to hear, at least in part, the list of Muskingum County men who obtained the grade of general officers. I repeat their names with their brevet rank, giving them as nearly as I can in the order of their promotion:

MAJOR GENERALS, BY BREVET:

Robert S. Granger: Charles C. Gilbert: Mortimer D. Leggett: Catharinus P. Buckingham: Willard Warner.

BRIGADIER GENERALS, BY BREVET.

William H. Ball: William D. Hamilton: Greenbury F. Wiles: John Q. Lane; I omit the fifth.

God grant that it may be long before our county shall again be called upon to send her sons to war: yet if it comes may she do her duty as she has done heretofore!

Let us return to our civil history. As I have said, General Wayne’s victories ended the Indian war, and in the succeeding peace Ohio was rapidly settled. In May, 1796, Congress passed a law authorizing Ebenezer Zane to open a road from Wheeling, in Virginia, to Limestone, near Maysville, Kentucky. In 1797, he with “his brother Jonathan Zane and his son-in-law, John McIntire,” both experienced woodsmen, proceeded to mark out the new road which was afterward, in a hasty manner, cut out by the two latter, sufficiently to make it passable for horsemen. The act of Congress allowed Zane to locate military warrants upon three sections, not to exceed one mile square each. The first of these to be at the crossing of the Muskingum he located here, and gave to Jonathan Zane and John McIntire for doing said work. In 1799, they laid out a town in the south-east corner of their section, and called it Westbourn, placing the plat on record at Marietta, this ground being then in Washington County. The south-east corner of

their mile square was at the intersection of what are now South street and Seventh street, near the home of Mr. John Bowman. Westbourn as so laid out was bounded north by what is now North street, east by Seventh street, south by South street, and west by the river.

The act of Congress required Zane to keep a ferry across the river during the pleasure of Congress. So the two town proprietors agreed with William McCulloch and Henry Crooks to give them the ferry for five years, on condition that they move to the place and keep the ferry. McCulloch and Crooks were the first white settlers of Zanesville.

The first regular mail ever carried in Ohio, was brought from Marietta in 1798, to McCulloch's cabin by Daniel Convers; there it met mails from Wheeling, and from Limestone, and the cabin was in *fact* the first "distributing post-office" in Ohio, although in law not a post-office at all. By 1802, several families had settled here, and a regular post-office was established, which the Postmaster General, Gideon Granger, named "Zanesville," and the village soon took the same name. It remained unincorporated until January 21, 1814, when an act was passed which included within the corporation the original town plat of 1799, and all subsequent additions. The act creating the County, passed as already stated, in 1804, provided that the county seat should be at Zanesville, until permanently located. Under that law, our first Court of Common Pleas began its first term in David Harvey's tavern, at the south-west corner of third and Main Streets. Coshocton and the Cass Bottom, near Dresden, competed for the permanent county seat, but the locating Commission decided in favor of Zanesville. Subsequently Court was held in a log cabin belonging to one James Herron, on south Sixth street, about one hundred feet south of Main street.

In the year 1808, our first Court House, Sheriff's house and Jail were built. This room, in which we are now assembled, is, I believe, immediately above the spot upon which they stood, but the floor now under our feet is higher, in air, than even the chimney tops of those humble structures: notwithstanding the fact that the room in which Court was then held, was also,

in the second story. The Sheriff and his family lived in the first story. The Court House was a frame structure, two stories high, 20 by 55 feet. The Jail was two stories high, built of hewed logs, squared, and lined on the inside with three-inch planks. The lower story was for criminals, the upper for debtors. The two buildings, Court House and Jail, were under one roof.

The contract was let January 25, 1808, to Henry Ford, for \$480, and was signed by only two of the Commissioners, Henry Newel and Jacob Gomer; the other refused to sign because it was "too much." An extravagant price. "Court House, Sheriff's house, debtors prison, Jail—a little over \$100 each.

Section 4 Article VII of the Constitution of 1802, read:—  
"Chillicothe shall be the seat of Government until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine, by the Legislature of this State, for the purpose of erecting public buildings for the accommodation of the Legislature."

As early as 1807-8, the subject of the removal of the capital was agitated; and at the session of 1808-9, the Muskingum delegation in the General Assembly, was re-inforced at Chillicothe, by a committee appointed by the citizens, headed by John McIntire; and assurances were received that if the county, would, at its own expense, furnish suitable buildings for the Legislature and State Offices, a law would be passed making Zanesville the "temporary Capital." Our people believed that the capital once here, would remain. Public spirited citizens loaned the money and the County built what has been so well known among us as "Old 1809." During the summer of 1809 the main building, intended for the Legislature, was put up, but not finished. The contract was awarded April 10, 1809, to Joseph Munro, Daniel Convers, John Williamson, and James Hampson, for \$7,500, to be completed by December 1, 1810. In excavating for the foundation a small mound was opened in which they found a skeleton, some flint arrow heads and a stone hatchet. The bones crumbled on being exposed to the air.

Notwithstanding these efforts of the county and town, although the Legislature assembled early in December, 1809, it

was not until the 19th day of February, 1810, that the following act was passed:

“Sec. 1. Be it enacted, &c., That the seat of Government be, and the same is hereby fixed, and shall remain at Zanesville, until otherwise provided by law. This act shall take effect and be in force from and after the first day of October next.”

But the hopes of Zanesville and Muskingum that “once here, it would remain,” were not even allowed more than a day’s existence, for an act was passed next day, February 20, 1810, providing for the election by the Legislature by ballot of five Commissioners whose duty it should be to locate the *permanent* Capital, in a place “not more than forty miles from what may be deemed the common center of the State, to be ascertained by Mansfield’s map.” And these Commissioners were ordered to meet at Franklinton, on September 1st, 1810. Thus it was known that one month before Zanesville could become the temporary capital, the duty of selecting the spot for the permanent capital would probably be completed; and that Zanesville could *not* be that spot; for the central point of an east and west line across Ohio, passing through Zanesville, is the west line of Licking County: a point forty-two miles distant—at the very least from our City—while the fact that the geographical center of the State lay north of that line, increased the distance and left no room for hope, unless by management the second act could be repealed.

Although their efforts had been only partially successful, the honor of county and town was involved, so the State House—Court House was completed in the summer of 1810; and also, a smaller building for use by the Secretary of State, and State Treasurer; this was of brick, one story high, and stood just north of the west door of this Court House. By direction of the Legislature all its books, papers, &c., were committed to George Jackson, John McIntire, Wyllis Silliman, Robert McConnel and David J. Marple for transportation to Zanesville. It is therefore probable that these gentlemen composed the committee appointed by citizens hereinbefore referred to.

On the third day of December, 1810, the General Assembly



met in "old 1809," and chose Edward Tiffin, Speaker of the House, and Thomas Kirker, Speaker of the Senate. The House occupied the room so long used by our Court of Common Pleas; the Senate sat in the larger of the rooms in the second story; the room always afterward known as "the old Senate Chamber." This session ended on the 30th day of January, 1811.

The next session began December 2, 1811, and ended February 21, 1812. During the first ten years of our State's life it had but one representative in Congress; the first Congressional apportionment law was enacted in Zanesville, Ohio being then entitled to six representatives in Congress—this law assigned one of them to a district, composed of the Counties of Belmont, Coshocton, Guernsey, Jefferson and Muskingum,—being the fourth District.

On the 21st of January, 1812, two laws were passed, under which, afterward, the bridges over the river at Third and Main streets were built: under another act passed February 21, 1812, John McIntire and others, (afterwards incorporated as "The Zanesville Canal and Manufacturing Company,") built a dam across the river and a lock.

At this session also, on February 14th, 1812, was passed the law locating the capital permanently "on parts of half sections 9, 10, 11, 25 and 26, opposite Franklinton, Franklin county, "on lands of Alex. McLaughlin and others;" but returning the temporary seat of government to Chillicothe, there to remain until the first Monday in December, 1817. At that day Columbus had no existence—not even a name—it was a spot "opposite Franklinton." But Zanesville's last legislature did what it could to supply a designation, and on the last day of its existence, resolved, "That the town to be laid out at the Highbank "on the east side of the Scioto river, opposite the town of Franklinton, for the permanent seat of government of this State, "shall be known and designated by the name of "COLUMBUS."

From October 1, 1810, to May 1, 1812,—one year and seven months, Zanesville flourished as a State capital, and then returned to the more modest but respectable position of shire-town or county seat, and held until the census of 1850, equal place with Dayton, Cleveland and Columbus, as "chief town."

second only to Cincinnati. Columbus had been the "Capital City" for well nigh thirty years before she had a population greater in number than our town.

While the Legislature was here, the Courts continued to sit in the frame building of 1808; but after the capital went back to Chillicothe, the "State House" became the "County Court House," and served as such from the spring of 1812, until September, 1874, over sixty-two years.

The first court house, which had meanwhile served as school house, meeting house, &c., and jail," was burned down April 3, 1814. On the evening of April 2d, two men arrived in Zanesville from the east, having in custody a negro claimed to be a fugitive slave, escaped from Kentucky. They placed their prisoner in the jail for safe keeping during the night. Some excitement arose amongst the citizens, some of them urging that such use of the jail was unlawful. The negro attempted to burn the lock off the door, and succeeded so well that by morning nothing was left but the lock and himself, he owing his escape from death to the active benevolence of a part of the people; others insisting that he ought to be thrown back into the fire.

Assisted by some "free-soilers" of that early day, he subsequently escaped from his custodians.

Muskingum's first court house and jail became a burnt-offering for the sin of slavery. "Old 1809" and other adjacent buildings escaped because their roofs had been soaked by a rain that night.

Before leaving these early means for administering justice, I must mention one now wholly obsolete, save in the State of Delaware, the whipping post. This stood on the small Indian mound heretofore named. It was erected in 1808, and existed only one year, and some eight or ten convicts for "minor offenses," received in public about twenty-five lashes each. After this post disappeared "whippings" were inflicted at the the south-east corner of the old log jail.

In 1822, a Sheriff's house and jail was built of brick, the same that was used as the residence of the jailor until 1876. In 1846, one Davis convicted of poisoning his wife escaped from

this jail, and soon after a stone jail was built adjoining the south-east corner of said brick. Contrary to expectation the stone jail was by no means a secure custodian. An Irishman who had been working on the railroad, having been arrested for assault and battery, by means of shovel and poker speedily excavated a passage-way below the foundations of the dungeon and the next morning the astonished Sheriff found an empty jail, and a hole "erected" in the Court house yard. You can see from your windows how these last named Sheriff's house and jail have been replaced.

In 1830-1, the Zanesville Athenæum built the east wing, between "1809" and the alley, externally like the west wing. Its upper story was used until 1874, for library and reading rooms; its lower story and basement for offices, &c.

About 1833, a west wing consisting of a basement and two stories was built between "1809" and Fourth street; its rooms being used by the clerks of the courts and other county officers. From 1851 to 1874, the Probate Court occupied rooms in its second story.

On September 4th, 1874, the contract for this Court House was awarded to Mr. T. B. Townsend, at \$221,657, and on the 11th day of the same month, the District Court — Judges Marsh, Frazier, Miller and Chambers, met for the last time in "old 1809," and disturbed early in its morning session by the contractor's eager workmen adjourned to Black's Music Hall, and the work of demolition began.

This brief sketch of the structures that have occupied this ground—beginning with the rude mound enclosing the remains and weapons of an unknown race, who once as a people, possessed the valley of the Mississippi and its tributaries, and ending with these evidences of our present wealth, taste and architectural skill, indicates the changes wrought in three quarters of a century. Your own thoughts and imaginations aided by the memories of many among you, can easily fill up the picture of the successive generations that have in the interval lived and died, suffered and enjoyed, failed or succeeded, within our vicinage as these years passed away.

One more topic in our county history must be treated upon before I turn to our Courts and Bar, I mean, our transportation.

So much of life's existence, to say nothing of life's happiness, depends upon "exchange of commodities," that "means of transportation" are of paramount importance to every community. For a score of years after our county was formed, the rude country road winding through forests, up and down and around the hills between the Muskingum and the Ohio, formed our only communication by pack-horse or on wheels with the older States. Our river with its falls permitted the upward passage of keel boats, or pirogues, as they were called, at certain brief seasons, and even then it was tedious and difficult. After the steamboat came into use, in times of high water one and another drew crowds to our river banks as they passed. Such produce as our people could spare for a southern market, loaded upon rough flat boats, or "broad horns," as they were called, floated down the rivers until the cargo being sold, the boat itself was bargained away as lumber, and the crew worked their passage home again up the rivers, or occasionally around by the ocean and over the mountains. About 1825, Ohio began the canal from Portsmouth to Cleveland, and building it, extended a side cut to the Muskingum at Dresden. In 1836, the State began to contribute to the Muskingum slack water improvement, and in 1837-8-9, it progressed, under Samuel R. Curtis as engineer: the same heretofore named as afterwards a colonel of Ohio volunteers in the Mexican war, and a Major General of United States volunteers in the war with the Rebellion. One of the "boys" subordinate to him in the engineer's department was the present Secretary of the Treasury—long a United States Senator from Ohio—John Sherman—who then a boy about fourteen years old began his life's work upon the improvement of our river. This work, completed about 1839, gave us easy communication by water with Pittsburg, superseding what I ought to have mentioned before—the National Turnpike road and the Conestoga wagon.

During the administration of President Jackson, the National road projected from Cumberland, in Maryland, to Vandalia, the first capital of Illinois, was completed through Zanesville. For more than twenty years this turnpike brought to and through our county the great western mails in well-appointed stage coaches, which served also as carriers of passengers, and

ran with great regularity at a speed deemed very rapid, in those days. By the same road the long, high, blue-bodied Conestoga wagons, with their ample canvas covering held aloft by a frame work of high arching bows, and drawn by four or six stout horses, brought from the distant East to this the then West goods and merchandise to be dealt out by store-keepers, each of whom held himself prepared to supply every article the market could command, whether dry-goods, groceries, hardware or notions. This great avenue, maintained in good order by the public, could be relied upon all the year round, while its competitors, the canal to Cleveland and the rivers via Marietta to Pittsburg, were both closed by the ice in winter, and one of them oft times disabled by the droughts of summer.

In 1853-4, our first railway was completed, and since then each successive year has increased our dependence upon the iron-horse and his iron-road and added to his power to supply us.

These changes in the means of transportation have worked great changes in and among our people, but there is no time or place to-day to note them in speech. Your busy memories may silently aid your thoughts in painting them for your mental eyes. *Tempores mutant—mores mutantur.* In four words the old Roman said a fact that is as true to-day on the Muskingum as it was in his day on the Tiber.

Thus concisely disposing of the first branch of the subject assigned me, I approach the second—*Its Courts and Bar.*

As already said, our county's birthday was March 1, 1804. On April 25, 1804, the first session of the Court of Common Pleas was held in David Harvey's tavern. Ohio had borrowed a judicial system from Pennsylvania, and grouping several counties in a "circuit," assigned to it one President Judge. He was required to be a lawyer, and was elected by the State Legislature. That body also chose from amongst the electors of each county three citizens—not lawyers—and called them Associate Judges. The President and two Associates made up a quorum; in the absence of the President, the three Associates could sit as a court. Special sessions could be held as often as needed, by the Associates, and they disposed of the great body of the ordinary work now done in our Probate Court.

The State, in 1804, embraced three circuits. The second contained Adams, Fairfield, Franklin, Gallia, Muskingum, Ross and Scioto counties, and the 25th of April was by law named for the beginning of the first term of Common Pleas in Muskingum—being the third Monday in the month. The Supreme Court consisted of three judges, and was required to hold one term each year in each county, and the said third Monday, April 25, 1804, was fixed for the beginning of the first term of the Supreme Court in our county. I have found no trace of any session of the Supreme Court, but the President Judge of the Common Pleas Circuit that year was Levin Betts. Our county offices contain no docket or record of any kind touching that session, and it is very probable that it was merely a formal one. Abel Lewis was by the Court appointed Clerk, *pro tem.*, of the Court of Common Pleas, and over his signature the earliest writ issued from our Common Pleas of which any record exists went out on June 6, 1804, being a *capias ad respondendum* at the suit of Samuel Courier, husbandman-carter, *versus* James Sprague. Wyllis Silliman was attorney for plaintiff, and Philemon Beecher, of Lancaster, appeared for the defense. The action was in slander; damages claimed, \$500; the slander charged being the use of the words, "You are a thief, and I can prove it." The declaration was in the old verbose form. Verdict for plaintiff; damages, \$3. This verdict was rendered in November, 1804, and so far as the records show was the first one in our county. Lawyer Silliman evidently was displeased with his client, for on November 20—same month—he sued out another *capias* as attorney for the very James Sprague from whom he had just recovered the \$3, and arrested his former client, Samuel Courier, husbandman-carter, in a suit for \$100 debt. Lewis Cass defended this suit, and at August Term, 1805, obtained a verdict, and James Sprague had to pay the costs.

It may be interesting to some of you to hear the names of the men who were the first petit jury in Muskingum Common Pleas. I quote the order of the record: 1. William Montgomery; 2. Isaac Prior; 3. John Reasoner; 4. Joseph Neff; 5. Thomas Cordray; 6. David Herron; 7. William Dusenberry; 8.

William Reasoner; 9. Daniel Campbell; 10. Joseph Stotts; 11. David Enslow; the twelfth man did not appear.

The record is not signed, hence I cannot say with certainty what judge presided, but I presume it was Levin Betts. I have not been able to learn anything as to his history. Muskingum remained in his circuit less than a year. It is probable that he resided near or west of the Scioto, as the most populous part of his circuit was Ross County, which had a large influence in the Legislature by which he must have been elected.

The act of February 22, 1805, transferred Muskingum to the third circuit, composed of the counties of Belmont, Columbiana, Jefferson, Muskingum, Trumbull and Washington, and thereby Calvin Pease became our President Judge. He was even then, although he had been for some years on the bench, only twenty-seven years old. A New-Englander; sharp, energetic and witty. He resided in Trumbull County, and "administered the law to all the inhabitants of the State east of the Muskingum River," and performed his duties as judge "with much ability and integrity." He ceased to be our judge at the close of 1807, but became one of the judges of the Supreme Court of the State in 1816, and at the same time John McLean, who for so many years adorned the bench of the highest National Court, was chosen a member of the same court. Judge Pease afterwards practiced law in Trumbull and adjoining counties. It may be well to here read a list of the Common Pleas Judges who have presided in our county:

1804—Levin Betts.

1805—1808—Calvin Pease.

1808—1822—William Wilson.

1822—1836—Alexander Harper.

1836—1846—Corrington W. Searle.

1847—October 17, 1851—Richard Stillwell.

October 17, 1851—February 9, 1852—Corrington W. Searle.

1852—September 16, 1854—Richard Stillwell.

September 16, 1854—October 20, 1854—John E. Hanna.

October 20, 1854—19th October, 1855—Charles C. Convers.

October 19, 1855—25th October, 1856—Corrington W. Searle.

October 25, 1856—9th February, 1862—Lucius P. Marsh.  
 February 9, 1862—10th December, 1866—Ezra E. Evans.  
 December 10, 1866—9th October, 1871—Moses M. Granger.  
 August 3, 1869—3d August, 1874—Frederick W. Wood.  
 October 9, 1871—William H. Frazier.  
 August 3, 1874—Lucius P. Marsh.

Judge Frazier was re-elected in 1876 without opposition.

William Wilson, our third President Judge of Common Pleas, was born in the year 1770, at or near Goffstown, a village about fifteen miles south of Concord, the capital of New Hampshire. The son of a farmer, he was educated at Dartmouth College. I now read to you a sketch written by James R. Stanbery, Esq., of Newark. It is as follows :

“Having studied law in his native State, he removed to Johnstown, New York, where he practiced a short time, and then came to Chillicothe, Ohio, where he married. He was appointed President Judge of the Court of Common Pleas in the year 1808, when Licking county was organized, and presided in the courts of the district of which Licking was then a part, until the year 1822. In October, 1822, he was elected to Congress. He served as member of Congress for one term, and was re-elected, served a second term, and died in 1827; and is buried at Newark, Ohio. The counties composing his judicial district included Fairfield, Licking, Knox, Muskingum and others. His characteristics as a man were peculiar, and he was while he lived, noted for his liberality, and had the confidence and regard of all his neighbors. He was foremost in all public enterprises of his day, and consulted in all matters of public interest. He was very easy of approach by all, and had a popularity which always secured him public position when he aspired to it. His knowledge of his profession is said not to have been profound, but his administration of justice was satisfactory, and up to the requirement of the time in which he lived. He believed in keeping the peace, and ridding the community of obnoxious offenders in a small way, by what now might be considered a more summary process than attends “the law’s delay.” There was once on a time in the history of the village in which he lived, then containing a sparse population, such men as were



known as wife beaters, and the citizens upon one occasion, (as recollected by the writer then a boy,) had convened to punish such an offender; after diligent search for him, they found him concealed in his cabin, and had prepared a rail upon which it was proposed to mount him. By common consent of the crowd before administering the punishment, it was concluded that Judge Wilson should first be consulted as to its propriety. The residence of the Judge was sought, who being aroused from his bed, and advised of the object of the visit, which was in the night, promptly approved of the decision of his neighbors, and after furnishing the necessary luxuries, headed the procession and carried the offender to be dealt with as had been decided. When the ride was extended far enough, the victim being rested and refreshed from time to time, the Judge delivered him a lecture, and directed him to leave the neighborhood and never again revisit it. "That man never came back."

I am indebted to Henry B. Curtis, Esq., of Mt. Vernon, Ohio, who for more than half a century has been an honored member of our profession, as to the place of Judge Wilson's birth and boyhood home. I am, also, indebted to Judge Jerome Buckingham, and to Mr. Isaac Smucker, of Newark.

Judge Alexander Harper was born February 5, 1786. I think in the north of Ireland. I cannot give you the date at which he became a member of the Bar of our county; but the oldest existing docket shows him engaged in cases at August Term, 1813. From 1817 to 1822, he had with him in a firm styled Harper & Doland, John Doland, who about 1824-5, moved to Perry county. In October, 1820, Mr. Harper was elected to represent Muskingum in the State House of Representatives, and re-elected in 1821. In 1822, he was chosen Judge.

On retiring from the Bench in 1836, Judge Harper followed the precedent set by Judge Wilson, and was elected as our representative in Congress, and as such served for four terms, 1837-9; 1843-7; 1851-3. He died Dec. 1, 1860. His long life in our midst made him so known that many who hear me can describe him far better than I. When I came to the Bar he was just leaving it. I can recall only one instance in which I heard him argue a cause: He was defending a man nearly

as old as himself, who under great provocation had shot and killed a man in, I think, Jefferson Township. Judge Harper, as known to me was always even tempered and kind in manner. His old client, to whom I refer, as he sat behind his counsel, showed a face so gentle, so unmarked by passion, that I yielded ready credit to his many neighbors who testified that when not influenced or overcome by liquor, his temper and conduct had always been peaceful.

Judge Harper, old as he was, spoke with much of the fire of his early days, and so carried Court and jury with him that the verdict was manslaughter, and the sentence the mildest permitted by the law.

Another of my few remembrances connected with Judge Harper, is the fact that when in 1851, the Whig congressional convention was about to meet to name a candidate whose election was sure, the general sentiment of the district awarded the place to the Judge. This fact always seemed to me very creditable to him. After fourteen years' service as Judge, and six years in Congress, to be so called upon as a candidate in a district where undoubted party success would naturally invite competition before the convention, seems good proof that in his long public service, Alexander Harper had shown himself capable and honest. No one in our present Bar was in practice while Judge Harper was upon the bench; hence neither you nor I can learn further details of his judicial career. Such men as Thomas Ewing, the elder, Philemon Beecher, Henry Stanbery, Charles B. Goddard, and others appeared before him year after year, and his circuit comprised a number of important and influential counties. Under these circumstances, after seven years of services, the General Assembly, in 1829, re-elected him; while therefore, details are absent, the outlines prove him a worthy Judge.

His successor, Corrington W Searle, was a resident of Newark, when in 1836, he was chosen to office. He soon removed to Zanesville, and remained in or near our city until his death.

Born in Wyoming valley, Pennsylvania, of Connecticut parentage, he came in early manhood to Ohio, studied law in the office of Wyllis Silliman, and was admitted about 1820. Called to the Bar in a newly settled State, while libraries were scarce

and scant, and books costly and difficult to procure, the circumstances under which Ohio law practice needs must be carried on, reinforced his vigorous intellect and keen perception and so familiarized him with the great foundation principles of law that for him their application to any given state of facts was an easy task; and he rarely failed to rightly and speedily solve the most complex legal problems. A correct thinker, he never wasted words in giving expression to his thoughts; every word used occupied a fitting place and carried some portion of the sense intended to be conveyed. His observation was keen; he well understood the men who, as litigants, lawyers, jurors, or witnesses came before him.

As a Judge, his decisions were clear, concise and accurate; as a lawyer, his examination or cross examination of a witness resulted in presenting to court or jury every fact spoken of in as favorable a light for *his* side of the case as well judged questions could produce. As an advocate, his manner was quiet but impressive, and united with his correct reasoning and clear style, gave him great influence with court and jury.

Becoming tired of judicial work, he resigned at the close of the year 1846, and began practice in the law office vacated by Judge Stilwell. As shown by the list heretofore read, he was subsequently twice recalled to the Judgeship during vacancies by resignations. Judge Searle presided for the last time October 25, 1856. After that date he undertook no new cases and seldom appeared in court. He lived on his farm, about a mile south of Putnam, until shortly before his death, he removed to Zanesville, and died there December 1, 1865.

To fill the vacancy caused by the resignation of Judge Searle, the Legislature selected Richard Stilwell, at the session of 1846-7. Before the ensuing term of Court, he became seriously ill, and so continued for an entire year. He wished to resign, but the Bar were urgent that he should remain in office. He first sat as Judge, in this county on the 4th day of April, 1848. In October, 1850, he was chosen to represent our county in the Convention which formed our present Constitution, and in October, 1851, was elected Judge of Common Pleas, for the subdivision composed of Muskingum, Morgan and Noble Counties;

the first Judge chosen for us by popular election. In September, 1854, he resigned and resumed practice.

He was born in Bucks county, Pennsylvania, September 2, 1797, and was brought in childhood to our county by his father Daniel Stilwell, who sat as Associate Judge of Common Pleas, in 1817.

Young Stilwell studied law in Zanesville, with General Herrick, and was admitted to the Bar about 1819. His name first appears as engaged in a cause at July Term, 1819. He was soon afterward made Prosecuting Attorney, which office he ably filled for many years. He soon acquired a large practice, and thence forward held a leading position in our Bar. His mind was active and his temperament nervous. Himself an able lawyer and a zealous worker, he had small patience with the ill-prepared, the careless, or the idle, and ever sought to prevent unnecessary delays in the trial of causes. But he was quick to detect real merit and to encourage the young lawyer who evinced industry, study and professional ambition. Like his predecessor, Judge Searle, he was well grounded in legal principles and ready and apt in correctly applying them to the facts in the case; and also, clear and concise in his charges and decisions. He was Judge in my student days, and I well remember how wonderful it seemed to me, that so soon as the arguments closed, he could, as he did, turn to the jury and with scarce a pause, referring to no book, and rarely ever to the papers in the case, tell them pointedly how, *if* the facts were so and so, their verdict must be for the plaintiff; or *if* so and so, for the defendant. He never troubled them with legal theorems, or quotations, or disquisitions, and sent them into their room "all at sea" to puzzle out the application of extracts from law books to what facts seemed to them proven; he, as it were, translated general statements of legal propositions into the language of the facts in the case; and when the jury agreed as to the *facts* their difficulties were at an end.

Both Searle and Stilwell, loved the old common law and its system of pleading, and were reluctant to part with even its objectionable technicalities. This was very natural. It had been the study of their youth; the work of their lives had been

controlled and measured by it, and the change came when they had reached that age which sees most readily the possible perils of that which is new, and is almost blind to the imperfections of that which had long been familiar.

Resuming practice in the fall of 1854, with his son-in-law, Captain John C. Hazlett as his partner, he engaged far more actively than did Judge Searle, and continued until his last sickness. He died February 2d, 1862.

On September 16, 1854, John E. Hanna, of Morgan county, was commissioned by Governor Medill, to fill the vacancy until a successor could be elected. He sat as our Common Pleas Judge for three days, and attended as one of the District Court Judges, at September Term, 1854. In October, Charles C. Convers, was elected by the people, and on October 20th was commissioned, and Judge Hanna's brief term came to an end.

John E. Hanna was born December 19, 1805, in Westmoreland county, Pennsylvania. In 1815, his father came to Harrison county, O., and there the son began to read law with Chanucey Dewey, in the spring of 1823, and was admitted to the Bar on September 27, 1825, at New Philadelphia. He located at McConnellsville, in April, 1826. In 1840, February 18th, he was by the Legislature chosen President Judge of Common Pleas for the then eighth circuit, composed of the counties of Athens, Gallia, Lawrence, Meigs, Morgan, Washington and Scioto, and served seven years. On his retirement from the Bench, he resumed practice at the Bar and continues it in good health, although seventy-two years of age.

As he is still amongst us, known and liked by all, I shall leave to some future chronicler the summing up of his career. Long may he live, as cheerful and kindly as he is now. I know no man who has passed the measure of three score and ten who walks with so firm and springy a step as does he to-day. Few who are a score of years his junior can equal it.

Charles C. Convers was born in Zanesville on the 26th day of July, 1810; son of the same Daniel Convers who in his youth had brought the first mail from Marietta, and grandson of Benjamin Convers and Josiah Munro, both members of "The Ohio Company." He studied law in the office of his brother-

in-law, Charles B. Goddard; came to the Bar in 1831 or 2; practiced for many years in the firm of Goddard & Convers; represented the county in the State Senate in 1849 and 1850; was Speaker of the Senate during the session of 1850-1; was a candidate on the Whig ticket for Supreme Judge in 1851, but the Democrats carried the State; was elected Common Pleas Judge in October, 1854, and Judge of the Supreme Court in 1855. He was sworn into office as Judge of the Supreme Court in February, 1856, but the disease that was to cause his death had already seized upon him, and there being no hope of his recovery he soon resigned. He died September 10, 1860.

Judge Convers differed in many ways from his predecessors. Already in his school-boy days schools and colleges had been established in our State; the University at Athens had already graduated Thomas Ewing and others. His father gave to his son freely all accessible educational advantages—supplementing school, college and office instruction by sending him to the Harvard Law School, then in its earlier and palmy days. There he heard the lectures of Story and Greenleaf, and had for fellow-students such men as Benjamin Robbins Curtis and Charles Sumner—since famous—the one upon the Bench and at the Bar of the Supreme Court of the United States, the other in the National Senate. An eager and diligent student, he became, I think I may safely say, more “learned in the law” than any other Ohio lawyer of his day. This devotion to study; this vast reading not unnaturally prevented him from grasping the controlling principles of the law as firmly as his predecessors had done. Accustomed to books—possessed of one of the most complete law libraries then in the State—he, as it were, by an insensible process of growth, came to rely upon books and precedents rather than on reasoning from legal principles. His mind readily perceived distinctions, and his retentive memory kept ever present the variations and exceptions to which every rule is subject. His great conscientiousness made it seem a duty to accompany every annunciation of a legal proposition from the Bench, in an opinion or a charge, with a statement of the modifications, variations and exceptions to which it might be subject. This habit, while so creditable in motive: while it gave signal proof of his legal

erudition, and conveyed much information profitable to the attentive student or lawyer, occasionally embarrassed juries, who naturally could not remember enough of such detailed instructions to properly apply them. This character of mind caused him to prefer the hearing and determination of equity cases to sitting as a *nisi prius* judge with a jury.

I had the profit and pleasure of studying law in his office, and ever have and ever will remember him with honor and affection. A cultured gentleman, refined and courteous, he sought to foster in his students a love for the law as a science and an ambition to elevate the *esprit du corps* of the Bar. Of slight frame physically, his constitution, temperament and habit gave him as an advocate the manner of the scholar rather than that of the orator, but his *earnestness*, his argumentative power, backed by his thorough acquaintance with the law and facts of his case, made him very influential with court and jury.

His reputation as a lawyer of great learning and ability gave him a practice more extensive, considering the territory covered, than that enjoyed by any other resident member of the Muskingum Bar. His retainers in cases for argument in the Supreme Court came from counties in all parts of South-Eastern Ohio, and his name appears in our Ohio reports during the last half of his practice oftener, perhaps, than that of any other Muskingum County lawyer.

The vacancy caused by his resignation as Common Pleas Judge was filled, as already stated, by Judge Searle, who held under appointment of the Governor until the election and qualification of Judge Marsh, in October, 1856.

As for the remaining Judges, Marsh, Evans, Granger, Wood and Frazier, they yet live and may be seen and known of you all. Some future historian of your county and its courts may tell another generation of their work.

Thus much as to the lawyer-judges of our Common Pleas. For half a century—1802-1852—beside the lawyer or President Judge sat three Associate Judges. Time has not permitted me to search for even meagre details of their lives, nor would it now allow me to occupy your ears with their recital had I found them. Premising that they, as already said, were

chosen by the State Legislature from the electors resident of the county, and served terms of seven years each unless sooner removed by death, resignation or "for cause," I read a list of their names in order of services.

As no minutes or journal of 1804 is in existence, I cannot tell you who sat with Judge Levin Betts. Mr. E. H. Church, an old resident, well known to you, tells me that David Harvey sat at April Term, 1804, but he cannot recall the names of the other two. In 1805, the journal shows that Jesse Fulton, Richard McBride and William Mitchell sat with Judge Pease. After the first appointments, such provision was made by law that the terms of the Associates expired in different years, so that but one would go off the bench at a time. Thus Richard McBride was succeeded by David Findley, and then they came thus: Ebenezer Buckingham, Stephen C. Smith, Daniel Stilwell, Robert Mitchell, Robert McConnell, David Young, Thos. Ijams, Edwin Putnam, Mathew McElhinney, William Blockson, James Jeffries, William Cooper, Jacob P. Springer, Horatio J. Cox, Wilkin Reed.

As already stated, these Associate Judges formed a necessary part of the court at all times, and alone, as a general thing, transacted all business pertaining to an Orphans' or Probate Court. Yet each of them had a right to vote upon every decision; and for a whole year, in 1847, while Judge Stilwell was sick, the Associates—Springer, Cox and Reed—held the court, Judge Springer presiding. And between 1847 and 1852 there was much litigation between Jacob Baker and Michael D. Gittings, and as Judges Searle and Stillwell had been of counsel neither could sit as Judge; so the same Associates alone heard and determined such of said causes as were passed upon prior to February, 1852.

At the last term held under the old Constitution—in January, 1852—a month before their court was to expire, a question arose that for the first time, I believe, resulted in the overruling of the opinion of the President Judge by his Associates. Numerous indictments under the liquor law of 1851 had been presented by the Grand Jury. The Prosecuting Attorney, now and for many years past a distinguished lawyer,



had omitted a certain averment. Judge Searle, in deciding a motion to quash one of these indictments, following what had become a custom when such questions came up, announced an opinion sustaining the motion, as the judgment of the court without first consulting the Associates. This occurred in the forenoon. The question involved had been much discussed, not only in court but among the people, and temperance men were anxious that the prosecutions should be sustained. Judge Cox, on the opening of court in the afternoon, announced an opinion against the motion to quash; Judge Reed declared that he concurred with Judge Cox, whereupon Judge Searle said: "The Court being divided the motion is over-ruled." Hearing this Judge Springer added: I agree with the Associate Judges." Judge Searle quietly entered the decision on the docket, and soon after declared the Court adjourned *sine die*, and the old Court with the old Constitution was dead. The question involved survived, and Judge Stilwell at the next term decided it in the same way as the Associates had done; but the Supreme Court agreed with Judge Searle, by a vote of three Judges to one.

The list of Associate Judges contains the names of many men well known for their experience, good sense, good judgment, and integrity. No one of them was ever "removed for cause," so far as I have learned. No charge of misconduct was ever even preferred against any of them. For half a century they administered the laws regulating the administration of estates, partition of lands, &c., sensibly and justly.

These duties and others, some of a kindred nature, and others touching upon Common Pleas jurisdiction, have since February, 1852, been discharged by the

#### PROBATE COURT.

In this Court the following named Judges have held office in this county: Mahlon Sims, 1852—1858; William T. Mason, 1858—1864; R. W. P. Muse, 1864—1870; Henry L. Korte, 1870—1873; Reuben H. Morgan, 1873—1875; Henry L. Korte, 1875. Of these Judges, Sims alone is dead. When elected he was a farmer in Hopewell township. He was re-elected, served out his term; was chosen a Justice of the Peace in Springfield

township, and died about September, 1862. Judge Mason, a farmer of Meigs township, served also two terms. Judges Muse, Korte and Morgan were lawyers.

Under the old Constitution, every year a term of the Supreme Court was held in Zanesville, and in turn all the Judges of that Court sat in "old 1809."

So also, since 1852, the sessions of our District Court have brought here in turn every Supreme Judge, save Judge Day, I believe, and the Common Pleas Judges of the second and third sub-divisions of the eighth Judicial District. None of these can properly be said to have belonged to our county courts: their number forbids any attempt to even name them in the time allowed me here.

I therefore, turn to "the Bar." I think Wyllis Silliman was the first lawyer who "settled" in Muskingum county. Mr. Church says that he was present at April term, 1804. With or very soon after him, came Lewis Cass, his brother-in-law, and in 1805, Silliman, Cass, and Herrick, were the only resident lawyers. Philemon Beecher, William W. Irwin and Elijah B. Mervin, of Lancaster, and Mathew Backus, of Marietta, attended that term. It was held in the "hewed log dwelling house, built by James Herron, enclosed but not finished." The same house heretofore referred to, located south of Main and on the west side of Sixth street. In 1809, Samuel W. Culbertson, became a resident lawyer in Zanesville.

Lewis Cass was prosecuting attorney, and held that office until, in the fall of 1812, he was appointed a colonel in the army. Herrick who, since 1810, though living in Zanesville, had been prosecuting attorney for Guernsey county, and United States District Attorney for Ohio, became also prosecuting attorney for this county. The foregoing items I take from General Herrick's autobiography,—our common pleas appearance dockets prior to 1813, not existing. The docket of 1813, April Term, shows Silliman in eighteen cases, Culbertson in eighteen cases, and Herrick in fourteen cases; so that the three divided the business pretty nearly "share and share alike," Herrick, notwithstanding his State cases and three offices, having the least number.

At August Term, 1813, two new names appear, Alexander Harper and Ebenezer Granger. As Granger had seven cases at that term he must have resided here a year or two prior to it. In 1817, John C. Stockton and Appleton Downer, have causes for the February term, and at February term, 1818, I first find the names of Charles B. Goddard and Thomas Ewing. Ewing being of the then Lancaster firm of Beecher and Ewing. April Term, 1819, shows the names of Arius Nye, John Doland, and Charles R. Sherman; and July Term, 1819, Richard Stilwell. Nye removed to Marietta, was afterward President Judge in Washington Circuit, and was noted for his eccentricities. Doland, about 1825, moved to Somerset. Sherman from 1823 to 1827, was one of our Supreme Judges. He resided at Lancaster. General Sherman and Senator Sherman are two of his sons. October Term, 1819, shows the names of Smith, Vinton, and Emerson. Vinton lived in Gallipolis, served many years in Congress, and was Whig candidate for Governor in 1851. 1820 presents the names of Adams and Stanbery. William A. Adams is still living in Covington, Kentucky. He lived in Zanesville until after 1843. The Stanbery, I suppose, was William—long a resident of Newark, an elder brother of the half blood of Henry Stanbery. In 1821, I find C. C. Gilbert, Peter Odlin, and J. B. Orton. Gilbert married a daughter of Wyllis Silliman. He died November 18, 1844. His sons Generals C. C. Gilbert and Samuel A. Gilbert, are well known to you. Odlin went to Dayton, and became a politician of note in Montgomery county, afterward prominent in the Legislature.

In 1822, and thence for half a dozen years, David Spangler practiced in Muskingum. He settled in Coshocton, and for many years led the Bar there.

I began this list hoping to extend it to the present time, showing the successive accessions to our Bar, but I found that time would neither permit me to collect, nor impart the information required for such a purpose.

I therefore, substitute brief mention of some of our more noted lawyers.

Our Bar began well. Wyllis Silliman, Lewis Cass and Samuel Herrick were the first three. Of General Cass I have already spoken.

Wyllis Silliman was born in Stratford, Connecticut, October 8, 1777. In early manhood he emigrated to Western Virginia, and, during the heated struggle for the Presidency between Adams and Jefferson, in 1800, he there edited a strong Federal newspaper. Judge Burnet (one of Ohio's early Supreme Judges) wrote of him as follows: "By a very great exertion of energy and talent he had been able for some time to sustain 'himself' in the midst of a highly Democratic population, but, as the catastrophe of that struggle approached, party violence became too strong for resistance, or endurance, and he found it prudent to make a hasty retreat to Marietta. I shall never forget the pleasure with which I took him by the hand as a persecuted patriot, at our first meeting in Marietta. Mr. Silliman's talents secured to him at once a full share of the practice of that county, where after a short residence he formed a matrimonial alliance with Miss Deborah Webster Cass, daughter of the veteran Major Cass, who was literally a hero of two wars."

This marriage was at Wakatomika, near Dresden, on January 14, 1802. In 1803, the first Ohio Legislature chose Wyllis Silliman, Francis Dumbley and Calvin Pease President Judges of the three Common Pleas Circuits, but Mr. Silliman either did not accept or very soon resigned the appointment, as our records show Judge Levin Betts on our Bench in the spring of 1804.

In 1805, Judge Silliman was appointed Register of the Zanesville Land Office, and held that office as late as 1811. He moved, in 1807, to the premises fronting the northern bend of the National road as it leaves Main street at Ninth street—so well known in recent years as the home of Dr. A. H. Brown. The old house—not the remodeled one of to-day—was for many years the noted dwelling of Zanesville, as the Silliman Homestead. There, in 1817, President Monroe, accompanied by General Jacob Brown (then Commander-in-Chief of the armies of the United States), General McComb, the victor at Plattsburg on Lake Champlain, and General Lewis Cass, breakfasted while on a tour through the *then* West.

In October, 1825, Judge Silliman was chosen to represent

our county in the State Senate, and sat for two years. During his term as State Senator he came near being elected to the United States Senate, Senator Ruggles succeeding in securing a re-election by a close vote after a heated contest. During President Jackson's second term he appointed Judge Silliman Solicitor of the Treasury. In 1836, he removed to Cleveland, thence to Wooster, and then to Cincinnati. But he returned to Zanesville, and died there at the residence of his son-in-law, Charles C. Gilbert, on the 13th day of November, 1842.

Judge John H. Keith, long resident at Chillicothe, but a practicing lawyer at Zanesville for some eight or ten years, sketched Mr. Silliman as a lawyer and advocate as follows:

"In my judgment, he was the greatest natural orator that I have ever had the good fortune to hear. \* \* \*  
"Mr. Silliman's early education was defective. He was a desultory reader of everything that came in his way. His legal attainments were not of a very high order. Indeed, he was of no use in a cause until it came to be argued. I never heard him examine a witness, or knew him to draw a pleading; all these were left to the junior counsel in the cause. He reserved himself to the highest—the advocacy branch of the profession. He was careless and illogical; entirely indifferent to his appearance. He looked as if his clothes had been pitched on him. He had not a particle of self-esteem or vanity, and was as sportive and playful as a boy. In all criminal cases, in breach of promise and seduction cases, he was uniformly retained, and no case seemed perfect without him. I heard him speak in every variety of case, and after I was called to the Bar I was sometimes associated with him in causes as junior counsel. His voice, his manner and style of speaking, are just as familiar to me as if I now heard and saw him. But it was in great criminal cases, where life and liberty were involved, that he especially put forth his giant powers."

Mr. Silliman was stout and well formed, above middle height. Two of his sons came to the Bar—George Wyllis, who died at sea while returning from Europe, and Charles Oscar, who after some years practice in Missouri, emigrated to California, where he now resides at Watsonville, Santa Cruz County. His

grandsons, generals C. C. and S. A. Gilbert, I have hereinbefore named.

The other of our original legal triumvirate was Samuel Herrick. He was born in Amenia, Dutchess county, New York, April 14, 1779; read law under Judge Thomas Duncan, at Carlisle, Pa., and came to the Bar June 4, 1805. He appeared at August Term, 1805, of Muskingum common pleas; was appointed prosecuting attorney of Guernsey county in 1810; also, in the same year, United States district attorney for Ohio; in 1812, succeeded Cass as prosecuting attorney of this county, and retaining all these offices, in 1814 became prosecuting attorney of Licking county. In May, 1814—during the war—he was made brigadier general of the Fourth Brigade, Third Division, Ohio Militia; represented our district in Congress from March, 1817, to March, 1821. In 1829, President Jackson again appointed him United States district attorney for Ohio, but on June 20, 1830, he resigned that office and retired from practice. He lived at "Hill-Top," his farm about two miles south-east of Zanesville until his death, about the first day of March, 1852. General Herrick was a successful lawyer, and this list of the offices held by him shows that he must have been a man of energy and ability, or he could not have commanded the approval of the Judges who appointed him to be prosecuting attorney, of the Presidents who nominated him to the district attorneyship, and of the people who elected him to represent them in congress. For twenty years he was active and prominent in our community.

I believe no son of his survived him. Two of his grandsons, Edward H. and Charles Allen, served as officers of volunteers in the war with the Rebellion, and Edward entered our profession and now lives at Kansas City, Missouri.

As already stated, Samuel W. Culbertson, in 1809, increased the Bar of Muskingum to four. He was born in Pennsylvania, came to Zanesville shortly after his admission to the Bar, and continued in active practice from 1809 to the time of his death, in June, 1840. For years he owned and resided on North Fifth street, on the premises now occupied by Mr. Daniel Applegate, and used as his office the small brick build-

ing that yet stands at the corner of the alley next north of the post office. His death was sudden—the result of apoplexy, and left him sitting in his office chair.

So far as I can learn, Mr. Culbertson never held any public office. His practice was large and extended over the greater part of south-eastern Ohio. In person he was tall, neither thin nor fat, and in mind quick, alert and keen. He well understood human nature, and was remarkably successful in the examination of witnesses and in influencing juries. His speech was affected by a lisp, but such was his manner that the apparent defect was often a help to him. In all the county towns from New Philadelphia south and southeastwardly to the Ohio the older lawyers still delight to talk with Zanesvillermen about "Sam. Culbertson," and to repeat anecdotes touching his cases. Perhaps I can take time to tell one that will illustrate his readiness. A client of Culbertson had sued a client of General Goddard for rendering impure the water of a well by changing a drain. Witnesses differed as to the effect of the drain upon the water in the well, and General Goddard exhibited to the jury some of the water in a glass and descanted upon its clearness and purity, and seemed about to carry the jury with him. Culbertson, in reply, boldly picked up the glass, reminded the jury of the General's argument, and then placing the glass upon the table, took a dollar from his pocket and clapping it down by the side of the glass, cried out, "Gentlemen of the jury, I'll give General Goddard that dollar if he'll drink that glass of water." He knew that his opponent was too dignified to accept such a banter, and he won a verdict. Mr. Culbertson's second son, Alexander S. B. Culbertson, came to the Bar and practiced in this county at first with his father and afterwards alone, and died here. One of his daughters married Joshua Mathiot, who was a member of the Muskingum Bar for eight or ten years subsequent to 1824, and then removed to Newark, and until his death, in 1849, was a leader in the Licking Bar and for a time a congressman.

About the beginning of the war with England (1812), Ebenezer Granger, an elder brother of my father, came to Zanesville. He was born in Suffield, Connecticut, on July 6, 1781; studied

law at Washington City, under Gideon Granger, the then Postmaster General. On July 31, 1815, he married Eli's sister, a Seaman, sister of the half blood to Henry Stanberry. After an active practice of about ten years, he died September 17, 1822. As his death occurred years before I was born, I can only speak of him from hearsay. Old lawyers whom I have met in the course of my own practice in south eastern Ohio, led to speak of him to me because my surname was the same as his, have often told me that he was a studious, well read, able lawyer, sure, if his life had been prolonged, to take a high place in the profession, and that he was a man of honor and integrity. Towards the close of John McIntire's life, Mr. Granger was his attorney, and to him was assigned the duty of composing the epitaph of that founder and benefactor of our city. It may interest you to hear it read. It was inscribed upon the plain stone that first marked the grave, and is repeated upon the monument that a few years ago was substituted for the old and worn out slab. It is as follows:

"Sacred to the memory of John McIntire, who departed this life July 29, 1815, aged fifty-six years. He was born at Alexandria, Virginia, and led out the town of Zanesville, in 1800, of which he was the Patron and Father. He was a member of the convention which formed the Constitution of Ohio. A kind husband, a kind obliging neighbor, punctual in his engagements, of liberal and kind and benevolent disposition, his death was sincerely lamented."

As over this stone you throw a careless eye,  
When drawn, per chance to this sad, solemn place,  
Remember—'tis your lot to die,  
You, too, the gloomy realms of death must trace.  
When yonder winding stream shall cease to flow,  
Of ocean's waves no longer dash the shore,  
When warping tempests shall forget to blow,  
And these surrounding things exist no more,  
Fires of hell's flames, near mine, shall rise,  
Bursting in fire, at the last trumpet's sound,  
Shall sweep us up in many a general assize,  
When all our sins, and mine, no more are hid.

Then as Fawcett, the eider, and Lewis Cass, while the one was Senator, and the other Secretary of War, in President Jackson's



time, because of their regard for the friend and associate of their first years at the Bar, of their own motion named Robert S. Granger, Ebenezer Granger's only child, to a cadetship at West Point. He there graduated in 1838, in the same class with Irvin McDowell and William J. Hardee, and as I have already stated rose to the rank of Major General by brevet, at the close of the war with the rebellion.

From 1817 to 1864, — forty-seven years, Charles Backus Goddard was a member of our Bar. He was born at Plainfield, Connecticut. His father Calvin Goddard, lived the greater part of his life at Norwich, Connecticut, and was a judge of the Supreme Court of that State. Charles B. Goddard came to Ohio in 1817. He traveled from Pittsburgh to Marietta, in a small open row-boat; stayed a few weeks in Marietta, and then by the advice of Mr. David Putnam, selected Zanesville as his home. He went to Gallipolis in company with Thomas Ewing, and was there admitted to the Ohio Bar. Settling in Zanesville, he married Harriet Munro Convers, daughter of the Daniel Convers heretofore mentioned, on June 6th, 1820. He soon acquired a large practice in the Muskingum valley, and continued in active professional labor to near the day of his death, which was the first day of February, 1864. In 1838-9, he represented Muskingum in the House of Representatives of Ohio, and from December, 1845, until the spring of 1849, in the Ohio Senate, of which last named body he was Speaker, during the session of 1847-8. He was a Major General of Ohio militia for a number of years. I believe he held no other public office. He was well read, both in general literature and in law; indefatigable in work; earnest, dignified and forcible as an advocate; he relied more on reasoning from principle, than precedents. A competitor of Ewing, Hunter, Stanbery, and others of like repute, he was "a foeman worthy of their steel." He possessed a high sense of honor and ever sought to elevate the ethical standard and *esprit du corps* of the profession. He was generous and hospitable. He out-lived all of his early associates and rivals in the Muskingum Bar; was in continuous practice much longer than any other; for many years he stood at our head, a leader worthy of the regard and respect of our whole community. An accurate portrait of him hangs in the

library of the Zanesville Athenæum, and makes unnecessary any description by me of his personal appearance.

I will outline the life of but one more of our honored dead. John Caldwell Hazlett, son of Robert and Lucy Hazlett, was born in Newark, O., September 24, 1831. His parents moved to this place in his childhood. He and I were schoolmates in Zanesville, and for a year, in 1847-8, collegemates at Kenyon, Gambier, Ohio. He afterward went to the Kentucky Military Institute, at Blue Lick Springs, and there graduated with honor, in 1851. He at once began the study of law under Judge Stilwell, and came to the Bar in December, 1853. He, for short periods, practiced first as my partner and then with Judge Searle, but having married Ellen, second daughter of Judge Stilwell, on December 19th, 1854, the Judge retired from the Bench and resumed practice with his son-in-law. In October, 1855, Mr. Hazlett was elected prosecuting attorney for this county, and was re-elected in 1857, and in 1859. During the night of Sunday, April 14-15, 1861, President Lincoln's call for seventy-five thousand three months volunteers was telegraphed over the country, and ere Monday's sun went down Captain John C. Hazlett's company was almost, if not quite, full. He reported with it at Columbus, and by the Thursday following, as already stated, was passing by rail through Pennsylvania, en route for Washington, with his company and regiment. He was present at General Schenk's "reconnoissance by rail" at Vienna, and afterwards fought in McDowell's battle of Bull Run. Returning home in August, at the muster-out of his three-months men, he at once recruited a company for "three years or the war," and with it entered the second Ohio volunteer infantry. With this regiment he served in Kentucky, Tennessee and northern Alabama, taking part in the battles of Perryville and Stone River. At the last named fight he received the wound that caused his death; he died June 7, 1863. Captain Hazlett was of slight frame, about five feet nine inches in height; of a quick, nervous temperament; possessed of an active and strong mind; well read, both in general literature and in law; he was ambitious of distinction, and evinced a capacity, and an aptitude for the law, that, backed by energy, perseverance and attention to business,

could not have failed, if his life had been prolonged, to win for him a brilliant reputation and an assured position in the front ranks of the profession. As a prosecutor his success was marked—although he conducted, either alone, or assisted only by some newly admitted tyro, even during his first term, a number of complicated and difficult causes against counsel of distinction, great ability, and much experience. It is sad to miss this comrade as we open this temple of justice. Would that he were here with all the powers of his youth strengthened by time and use! a competitor to excite us onward in all the nobler contests at this Bar; a comrade whose wit and intelligence would add zest to our assemblies; a friend on whose generous help we could rely at need.

Others of our dead are worthy of remembrance here—but time forbids the attempt to speak of all. I must content myself with such mention as I have already made and invoke among my brethren of the Bar and the people here, who knew them, kind recollections of the many others of Muskingum's deserving lawyers who no longer live.

Let me speak briefly of some who have gone out from us, and, by their achievements in the forum, on the Bench, or in public life, have made us glad to count them as once members of our Bar.

Henry Stanbery, attorney general of Ohio from 1846 to 1852; attorney general of the United States 1866–8, named by President Johnson for a seat upon the Bench of the national Supreme Court: a lawyer of national reputation, standing in the first rank; was born here, studied law here; was admitted in 1825, and tried some of his first causes in "old 1809."

Noah H. Swayne, a national Supreme Judge, since 1862, resided at Coshocton and practiced regularly in this county for several years, beginning in 1825.

Hugh J. Jewett, our county's Senator in 1853–5; defeated as a Democratic candidate for congress, in a Republican district, by only thirty-seven votes in 1860; nominated for Governor of Ohio by the Democrats in 1861, he substituted for a platform disapproved by the "War Democracy," a letter of acceptance full of outspoken, patriotic devotion to the Union. A Con-

gressman from the Columbus district in 1873-4; long a prominent railroad president, and now, and for some years past, the trusted president of the New York and Erie Railway; lived here for many years, and was in active practice from about 1848 to 1857.

Samuel Sullivan Cox, whose long service in congress, (from 1857 to 1865, as representative from the capital district, Ohio, and since 1871, from New York city,) and his prominent position as a leader in the Democratic party, have given him a national reputation, was born in Zanesville, in October, 1824. His father, Ezekiel T. Cox, was for many years clerk of our county courts, and the son assisted his father in the discharge of the office duties. He graduated at Brown University, Providence, Rhode Island, in 1846; was admitted to the Bar about 1848, and practiced at Zanesville until 1853.

Washington Van Hamm, who began practice here in 1833, and was a Common Pleas Judge, at Cincinnati, from 1857 to 1862, was born and grew to manhood here.

William Wartenbee Johnson, who was Common Pleas Judge in the Lawrence district, from 1858 to 1867, and is now a Judge in the Supreme Court Commission of Ohio, was born in Muskingum county, educated at Muskingum College, and studied law in the office of Judge Convers, at the same time with myself. He was admitted to the Bar while still a resident of our county.

Our Bar has grown old enough to permit fathers to see their sons practicing by their sides. Let me read you a list of the names of sons of Muskingum lawyers, who have also been members of this Bar:

George Wyllis Silliman; A. S. B. Culbertson; Charles A. Harper; James R. Harper; Daniel Convers Goddard; Charles C. Goddard; George Abbot James; W. C. Blockson; Charles H. Blair; Orlando C. Marsh.

And now time compels me to hasten to the end of these remarks.

Such an examination as I have made amongst these records of the work of your predecessors, both saddens and encourages. One after another—sometimes several together—they came upon the stage of professional life, each full of hope and expectation as to the future. The silent records picture to us

the parts they played. Some few succeeded, realizing perhaps as nearly as mortals may, the hopes of their youth. More attained positions mediocre, yet respectable; some merely failed; some few were worse than failures, showing themselves not mere incapable or unsuccessful lawyers but bad men. I will name no one of these. If any yet live their offending is known and remembered by themselves and by some others. It is enough for this occasion to say that the Bar of Muskingum during the first seventy-two years of its life has not escaped the lot of all associations of men: that it has had unworthy members.

But is this allotment—to one success, to others failure, the result of chance? Not so! Cause and effect are plainly traceable. It seems to me that if the young beginner but ask himself at the outset, "What should a client desire in his lawyer?" the easily discovered answer to the question must indicate not only the means, but also the probability of success, if the questioner knows himself. Ability, (not necessarily first-class—average ability will do well,) legal knowledge, (knowledge of principles, of the frame work of the law); judgment, (that most reliable of all called "common sense,") caution, *alias* prudence; application (this includes perseverance, diligence, persistence); and last of all, best of all, under all, around all, above all, permeating all, integrity. These qualities, characteristics, habits, combined, *will* ensure success. Their entire absence *will* ensure failure. Between these extremes more or less of success or failure will be the lot of one and another as he approaches or recedes from this so seldom understood, yet so easy-to-be-understood, standard.

And now but a word or two more. Entering this new and beautiful temple of justice, we have thus recalled the lives of our predecessors; let us profit by these recollections; let us in our future ever try to so demean ourselves as lawyers and as men, as to improve upon our own past, and to equal, if possible to excel, our predecessors in all that is right.

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[See Appendix for lists of county officers, &c.]

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At the close of Judge Granger's address, a recess was taken until half-past seven o'clock in the evening.

### **Evening --- Half-past Seven O'clock.**

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The ceremonies were continued in the Court Room, which was crowded to its utmost capacity.

The meeting was opened with music by the orchestra. The chairman, MR. FILLMORE, then presented HON. LUCIUS P. MARSH, who delivered an address, as follows :

### **The Efficiency of Courts and how Promoted.**

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Till all men have attained a perfect standard of morals, crimes will be committed and men will perpretrate frauds: while ignorance prevails, and as long as men make mistakes, controversies will exist and these will become lawsuits.

Hence arises the necessity for courts; either these, or men will redress thir own wrongs; then the learned and powerful, having such advantage over the ignorant and feeble, there would come on a struggle to make society unendurable and life a continual war.

It is a mistaken notion that courts are organized to punish crimes and redress wrongs; it is a mistake to suppose, if the guilty are always convicted and the innocent always acquitted, if the judgments of courts are always right, always in favor of the right party, that courts have fully accomplished the purpose of their organization.

Courts are organized to protect community, it is the safety of community that is to be accomplished, the punishment of criminals is but a means to an end.

He who tracks, pursues, captures and slays every wolf that devours one of the flock is only a hunter; he is a shepherd who protects the flock, and he is a successful shepherd who inspires the wolves with such wholesome dread that never a sheep is disturbed.

He is a good business man who does business so well, that, if a lawsuit comes on, he may always succeed, but he is a better

business man who does it so well, with such certainty, that no lawsuit ever comes. It avails but little to imprison a thief; unless that punishment deters others, there is one less in community, that is all. The criminal is punished after the crime is committed, the community is protected when the crime is prevented. Then, to prevent crime, to prevent fraudulent practices, is to protect community, and to enable courts to do this, is to promote their efficiency.

Were it possible to inspire a universal belief that all who commit crimes will surely suffer the penalties of the law, that no guilty man could possibly escape, there would be no crimes, or only such as might be prompted by a sudden impulse, or passion, that overcame the dread of the punishment sure to follow. Could all men be made to believe that courts were infallible, that fraudulent claims were always defeated, no suits would be prosecuted, or defended, for unjust or fraudulent purposes.

As it is, however, criminals count largely upon their chances of acquittal, and men with unjust and fraudulent claims speculate upon their chances of success.

When a court defeats the fraudulent purpose of a party, one man is benefited; when all men believe that all fraud is defeated in the courts, all men are benefited, the community is protected, because, no man entertaining such belief, ever goes into court with his designs. Such a universal belief would effectually put a stop to all fraudulent practices; it is the fruit of the fraud that is sought after, and being no fruit, the fraud is not attempted.

Whether Doe defeats Roe, or Roe defeats Doe in a lawsuit, is important only to Doe and Roe, but whether the belief prevails that the right man has succeeded, is important to the whole community. A man is convicted or acquitted; as a rule, the extent of the belief that the judgment was right, is measured by the extent of the belief that he has had a fair trial, that he has been abridged of no time, that he has had ample opportunity, but this is not always so.

It is curtly said, "Nothing succeeds like success;" yet courts may succeed in ascertaining the exact truth in every controversy coming before them and not be a success: they are a

success only, when the people believe that fact. The shepherd, who has unerring skill with his rifle, who never fails, is a success as a shepherd, when the wolves find that out. As long as they believe that he misses as often as he hits, that occasionally he slays a sheep, supposing it is a wolf, if they believe he is near sighted, that he hunts the flock over for wolves and can hardly tell which is which, the hungry wolves will stay about.

The causes at work to produce distrust of courts must be borne in mind; to remove or counteract these is to promote their efficiency.

It must be remembered that there are two parties to every controversy coming here to be settled; one comes voluntarily and drags in the other against his will. It doesn't follow that the first to enter that door, is he who comes for protection or to secure what justly belongs to him. The old cry of "stop thief" isn't heard only in the streets, it comes here; in rushes a crowd, parties and partisans; these halls ring with the cry; and it isn't always easy to tell which is the thief.

We don't always have here cases where we can direct an instant to be cut in two and given half to each claimant; we don't have twelve Solomons sitting there, nor one sitting there; the party in the right and the party in the wrong, don't as readily betray themselves as did the claimant and the real mother before King Solomon.

In all the ages since his day, men have not only been educated in the arts and sciences, but they have learned much in "ways that are dark and tricks that are vain," and they haven't neglected a little learning in the way of means of avoiding the law, by preventing its judgments. To avoid detection has been made a study; to make sure escape has been made a study, much has been learned, but railroads and telegraphs have kept pace with them. While we have these reaching out to capture, here we have no patented process to overcome what has been learned in the ways and means of defeating the law.

Arts and sciences have new, valuable, patented processes; medicines are patented, and I am told there is a religion where it is allowable to write out prayers, attach them to a wheel, set the wheel to whirling and the work is done. Here we have no



such means or processes; here we are left to decide cases the old way, and not from what the newspapers say, not from what is said on the street, not from what is in every body's mouth, but from what is said under oath from that witness stand; this is what the judgments of courts must reflect.

But it is the belief in the certainty of conviction, the belief that the punishment surely follows the conviction that makes crime hesitate. It is the prevention of crime that protects community; it is the belief in the mind that conviction and punishment are sure to follow that stays the crime, and hence, in the ratio of faith in the courts is community protected. Whatever educates the public mind in this direction promotes the efficiency of courts, and whatever promotes distrust of the courts, whatever tends to lessen the public confidence in them, lessens the protection which they are intended to secure. Lacking faith in the courts, believing they are a failure, fraud makes its effect; believing that the laws will not be enforced, crime stalks abroad till we are remitted to vigilance committees and mob law, and,

“ Our decrees,  
Dead to infliction to themselves are dead,  
And liberty plucks justice by the nose.”

A fact in this connection which must exist, and which will always exist, and which is educating community into distrust, may not be lost sight of.

Briefly stated it is this: Substantially, half the people who go out that door, go out complaining, making efforts to convince the people that courts, or this court, is a failure. The court has decided a case correctly, convicted a criminal, defeated a fraud, redressed a wrong or corrected a mistake, and the convicted party or he who fails and his friends, go out and actively engage in efforts to show how he was wronged, how the court failed in his case. A court makes a mistake and decides a case incorrectly, the other man and his friends proclaim the court a failure: one believes it, the other pretends to, and as I said, half the parties coming here, the one side or the other go out muttering complaints, and educating the people in their beliefs. These influences cannot be avoided, to counteract them is the problem. It is not in the nature of things that

those to whom I have just referred, the convicted criminals, and unsuccessful litigants, will bestow much praise upon the court that convicts them or defeats their fraud; and the wrong which they claim has been done them, is put upon the shoulders of the judge, or the jury, or that rascally lawyer on the other side. If a hotheaded litigant came here with a case and justice should step down and out of that niche and stand with that sword between him and the judgment he wanted, he would go out of that door muttering that she was a blind old hag.

Another great educator of the people in disregard of law, in distrust and contempts of courts, is found in a cause for which the courts are in no degree responsible. Your legislatures have enacted laws which are not enforced, which are substantially ignored, and by many the courts are blamed for the failure. It is not in the line of what I intended to say, but I may be permitted to point out some of the bad consequences attending such enactments.

We have a government in which there are no rulers who may exercise their arbitrary will, who may enforce laws however repugnant they may be, where the only means of resistance to the laws and their execution is in revolution; here no department of the government can override the will of the people, and laws may find their way to the statute books, but their enforcement depends upon the people themselves.

But a few years ago, the legislature in its wisdom enacted that no man should pass any bank bill of less denomination than five dollars of any bank but the State Bank of Ohio. The law was intended for the protection of the people against the worthless money of other states, but no body paid any attention to it, and it was literally a dead letter from the beginning; we have such laws now. In community there is every grade of morals and immorality, ranging from the perfect standard of morals to the lowest depths of degradation. Legislation which commends itself to those at the top is spurned and wholly disregarded by those at the bottom. Between these extremes is an average moral sentiment, an average estimate of what is right and what is needful in legislation; what is below that standard will not be endured, and what is above it will not be enforced.

It is no answer to this suggestion to say that all the laws we have in Ohio can be enforced, for that is refuted by the fact that they are not enforced; if they are not why not, tell me that!

You can't elevate the morals of community by legal enactments, you may compel them down there to hide a little better, but furnishing a more secure retreat for rats is not the best way to get rid of them.

The important consideration growing out of the existence of such laws is in another direction.

Laws upon your statute books, openly and notoriously violated day after day, and year after year, are educating the people in disregarding all law, and contempt for their enforcement beyond the power of all courts and all moral influences to overcome. To properly appreciate the operation upon the restless horde these laws are intended to restrain, let us look at it in a more narrow field.

Let the head of a family provide that none of the children shall pluck any fruit in the garden; let the children disregard this requirement; they pluck all they want; this is known to all of them and known to the head of the family; finally, after uninterrupted and unrestrained picking all through the season, Jane gets angry at John for some cause, and to be revenged, she enters a complaint to the head of the family that John has been plucking peaches. How many children in that family would say John ought to be punished.

If the children thus learned that they could violate this requirement, and not only this one but many others with impunity, how closely would you expect them to observe any law of that household, and what punishments would they feel they ought to vote for against John?

It must be borne in mind that it is the people who bring the culprits in at that door, and the people select twelve of their number to sit in that box and say whether the culprit shall be punished, and you know if we hang all they bring, they'll quit bringing them, or, if one is brought, they'll not convict him. As it is, a goodly share of those who are brought here, are brought not that law may be vindicated, but that some private

malice may be gratified. I needn't say that such a practice, allowing laws to stand that are largely enforced only to gratify private malice, is demoralizing in its tendency and is degrading the law itself.

To bring a culprit here occasionally and convict him, when it is known to all of us that the law he violated is violated with impunity every day and has been for years; when indeed, we can sit in the court house and see it violated every day; the jury in their room can look out and see it done—is educating the people in the wrong direction. The jury may convict such a one, they certainly will if they can't avoid it, they as certainly will acquit him if they can, and you would be surprised to know how willing the witnesses are to help acquit. It must be remembered that when you legislate to suit the views of those up above, your laws will not be enforced unless you can enlist enough of those below to do it.

I have dwelt long enough upon the obstacles in the way of accomplishing all that courts were intended for: beyond the lack of judgment and failure of discrimination more or less common to all courts, they meet with and contend against these, some of the obstacles necessarily in the way.

Let us see what courts may do in the way of promoting their efficiency.

There is that in human nature—you may call it what you will—which attaches vast importance to what is seen. It is true of all time and it pervades all ranks. A native of the wilds of Africa, visiting the coast possesses himself of an old hat and a blue coat with brass buttons; on his return to his native country, the people, awed by his august presence, inspired by his elaborate toilette, all told, make him their wise man, their king. An army is made terrible by banners; even Solomon with his wisdom found it necessary to surround himself with a glory that addressed itself to the eyes of the multitude. We are as impressible as they. A court held in this room presided over by grave and revered seigniors, where all the officers of the court seemed impressed by the importance of the occasion, would inspire a confidence that wouldn't be had for a court held by a rabble in the old court room in its last dilapidated

ted days. It is not alone the conveniences that make the new valuable over the old.

For what is seen in courts, for the manner in which business is done, and the demeanor of the officers therein, the court is responsible. This court room and its surroundings are calculated in the very nature of things to impress the comers, to add confidence and compel a demeanor of officers and parties, and spectators which couldn't be secured or had in a dilapidated old tumble down, that everybody felt at liberty to hack and hew. People would be surprised at conduct here in this room which wouldn't surprise them in another.

Every man who comes here with a lawsuit, comes impressed with the importance of it, and he has a right to expect that careful consideration, that respectful attention which is used toward any case, and those who are here as spectators are making their estimate of the court and its officers.

It is this consideration mainly which induced me to say any thing upon this occasion. The fact should at all times be borne in mind, that courts through litigants, witnesses and spectators are all the time educating the public mind into faith in their proceedings, or a distrust of their efficiency. In this view, the surroundings of a court room, and the conduct of the officers of the court, is of vastly more importance than is usually conceded for them. Amongst the officers of the court are to be classed the attorneys. I shall enter into no criticisms, to suggest the importance of this view is sufficient, but let me in this connection, and as illustrating the effect upon the mind, produced by the surroundings and manners of a court, refer to what occurred to me in my boyhood days.

When a lad, I was taken to the court house in my native county as a witness. I had never before been there, I had crude notions of what I should see and hear, but substantially I expected to find about what I had seen in justices courts, only the wrangling and disputes would be of a more pronounced and decided character. I found a large elegant court room, the floors covered with fine carpets, the windows hung with curtains; portraits of distinguished men on the walls.

The most perfect order and decorum was observed by every body; the quiet was the quiet of the church. The Hon. E. T. Foote, presided; out of profound respect for the man, I cannot refrain from stating his name. It was a model court, and I went away firmly impressed with the conviction that the right and justice of every case was as certainly arrived at, as it was certain that I could tell that two and two made four. I didn't again visit that court house or any other till some years later in a city in a neighboring state. On being told that a certain building was the court house, I went in to see. I went with my old impressions, with the profound respect and regard that my former experience had created.

I entered a room the floor of which was covered with tan-bark; a crowd of people were standing about with their hats on, many smoking pipes, all seemed to be talking in low tones, two I remember, were trading horses; the air was stifling, I heard loud talk farther on in the room. I made my way through the crowd to what I have learned to call the bar: inside the bar, nearly all had their hats on, many were smoking, the interest seemed to be centered in a witness, and a lawyer with coat off, who seemed to be quarrelling. They were trying a case, something about a horse, some of the jury were smoking, many had their coats off. There were two certainly, and I think three or more judges on the bench; the end man had his coat off and he seemed to be watching the quarrel, the second judge I remember distinctly, sat there with his hat on, reading a newspaper, smoking a stub pipe, with his feet thrust out over the desk and over the heads of those who sat below.

I went away from that court house with a very poor opinion of that court. Such a scene wasn't calculated to inspire confidence.

If those in attendance upon a court as spectators, or constituting a part of it as jurors, attorneys or other officers don't manifest an interest in or a respect for the proceedings, lookers on will not.

We occasionally find men in our court houses hereabouts, who feel at liberty to sit with their feet thrust out, on and over the tables; they wouldn't do it in church, and why?

I said I should not enter upon any criticism; it is sufficient to say that of all the means in the power of courts to control, and which may be made to promote their efficiency, the manner in which business is done is most important. It is in their power to compel a respect for the proceedings which may be wholly wanting, if the proprieties of the place and business are omitted. This court room, this court house is an important acquisition, not only because it affords security to the records of your county, but it gives to the administration of justice an importance, and secures for it a respect and confidence that couldn't be secured in an old rookery with a floor covered with tan-bark.

We sometimes hear it said that the old court house was good enough for the lawyers to quarrel in. These jokes, when new were probably good, but their hackneyed age hasn't added lustre, and they date back to a period so remote that the memory of man runneth not to the contrary.

The new court house is a move in the right direction. Impudence and rowdying which flourished on the tan-bark, wouldn't come in at that door.

The old man was right who objected to a new church, because then, he would have to get new clothes, and he couldn't go to meeting barefooted. At a camp meeting in the woods, you are not as secure from impudent rowdying as in your churches.

Let us hope that the improved lesson which the new court room teaches, and which is an advance in the right direction may not be marred by any failure of attendants and officers to advance also in the same direction, and that Zanesville may become as famous for its courts, as it is distinguished for its court house.

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The address of Judge Marsh was followed by singing by a quartette composed of Mrs. Geo. Harris, Miss Kate Cassel, Messrs. James A. Cox and William H. Wilmot, assisted by Miss Clara Ayers, organist.

After this, the closing address was made by Hon. W. H. BALL. The following is General Ball's address:

## The Relation of the Bar to the Court and Community.

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*Mr. President, Ladies and Gentlemen:* The relation of the Bar to the Court is easily understood and briefly told. It is a relation of subordination and obedience. A lawyer is in some sense an officer of the court. Whether the court has power to compel the service of counsel in the prosecution or defence of an action is of little moment, because counsel will, at all times, at the request of the court, render such service.

Respect, deference and obedience are ever due from counsel to the court. A judge while on the bench may be discourteous and arbitrary: that will not justify discourtesy toward the court. That is due to the court which may not be due to the individual holding the court. The court-room is no place for resentments. Courtesy is due from the court to the bar. Patience is also due from the court to the bar.

The minds of lawyers are the conduits through which pass, in some measure, the passions and prejudices of clients. In the heat of trial that will occur which would not receive expression in moments of coolness. A like feeling on the part of opposing counsel will magnify or distort words that may be regretted as soon as uttered; hence the court while vigilant and firm to check and prevent such occurrences, and their consequences, should be patient with counsel. And counsel, too, should cultivate patience toward the court, remembering that while they are, as parties, striving each for advantage, the court is endeavoring to hold the scales even, so that justice may be done without respect to the zeal of counsel or clients.

The relation of the Bar to community is a much more fruitful subject—incorrectly understood by community, and imperfectly understood by members of the profession. Possibly, the popular impression is, that a lawyer is one who in his calling seeks to make money by whatever means recognized by the law. The relation of counsel to society involves obligations of a character too high to be soiled by motives of avarice.



The lawyer who enters upon and practices his profession for the mere purpose of making money, enters upon and practices that profession to degrade it. The duty of counsel is to prevent, as well as to prosecute, or defend, actions. Clients come full of passion and desirous of revenge: these feelings may be gratified by entailing upon an opposing party heavy expense, with little regard to the pecuniary interest of the complaining party. The clear duty of the lawyer is to discourage and prevent litigation prompted by such motives. It is his professional duty to reject every retainer offered for the prosecution of a claim which he is fully satisfied is unjust; and I regard it as his duty to abandon a cause at whatever stage when fully convinced that he has been misled by falsehood of his client, and that his cause is unjust; such abandonment should not be delayed until the moment of trial if the purpose had been previously formed. The obligations of counsel never require of them falsehood, dishonesty or the promotion of dishonesty.

Mr. Hovenden, in his work on Frauds, says: "A solicitor must cautiously avoid letting his zeal for his client carry him so far as to lead him to assist such client in an act of injustice; or to give false intimation respecting a cause, to the opposite party."

The lawyer who becomes convinced that his client has deceived him, and that his cause is unjust, may possibly be mistaken in these respects; but having such conviction on his mind he is not at liberty to go on with that which in his judgment is an injustice.

If a business man through adversity find it necessary to assign for the benefit of his creditors and desire, as possibly might be, to conceal and so withhold a portion of his goods from the assignment and the creditors, it is the duty of his counsel, upon the discovery of the fact, to require a full transfer, and to repudiate the client if that demand be not met. Indeed, a lawyer who would countenance or tolerate such a concealment would become a party to active deceit and fraud, and he should be disbarred as an insufferable disgrace to his profession—as corrupt and dangerous to community. Counsel should never

permit a client to black-mail or to take an unconscionable advantage of his adversary.

One of the most dangerous veins of human weakness is a disposition to litigate. It has been so in all ages and amongst all peoples. Both the civil law originating with the Romans and the common law originating with the English discouraged litigation as dangerous to community when indulged to the full gratification of the passions and animosities of men. The right to charge a fee was not recognised by the law. The common law prescribed a punishment for champerty. Champerty being the taking upon one's self the management of a suit for another, agreeing to pay the costs and to divide the proceeds of the action. He that was guilty of this crime was unfit to practice and was disbarred. Barratry too was an indictable offence subjecting the guilty lawyer to disqualification to further practice his profession. Barratry is the stirring up of strife and litigation amongst the people. Indeed, the English law became so strict that in the time of Edward the First, a lawyer who having been disbarred for this crime, presumed to continue the practice of his profession was subject to a summary sentence of from three to five years of penal servitude. I can conceive of not many crimes more dangerous than this to community or deserving greater punishment.

Allied to both champerty and barratry is the practice, seldom, I trust, indulged in, at least in this county, of lawyers looking up or employing others to look up for them professional business. One who encourages litigation and solicits its management is unworthy of trust and confidence—is a disgrace to his profession and a blot upon community.

As well might a physician encourage and disseminate that which is unhealthy to the end that his practice should be promoted by the ailments he engendered, as a lawyer may agitate the unhealthy appetite for litigation that his pockets may become plethoric of corrupt fees.

The true policy of one entering upon the law is not to solicit business but to qualify himself for its transaction in his profession. When that qualification shall become established and known, business with its remunerations will seek him.

The study of the law is the study of government—the study of the government of associated men, from the simple partnership to the most powerful national combination of individuals. All law professes to be based upon principles of justice as applicable to the control of mankind in association.

It is impossible that the close study of the principles of right—this association with the means to prevent wrong should fail to inspire a strong sense of justice and devotion to right. Hence no profession or class of mankind have higher ideas of truth, honor and integrity than have the legal profession. The popular cry amongst the ignorant is of distrust—but even the ignorant do not believe that cry. If a man have a claim of millions for collection, even though himself a stranger to the Bar of the entire county, he asks no more than that his claim be placed in the hands of a reputable lawyer. He asks no security—he asks not of the lawyer's means, he has guaranty enough in the fact that the man who will handle his money is a reputable member of the profession; and if a man be placed upon trial for his life he relies upon his counsel to do all that can be done for his defense with the same faith with which virtue leans upon truth.

In France it is said that members of the profession serve notices upon each other by parol—preserving no evidence of service but relying alone upon the good faith of each other; and it is also said that for centuries not an instance has occurred in which that faith has been broken.

Truth, good faith, integrity and manliness should make our professional conduct. As I listened to Judge Granger this afternoon, I reviewed the lives of members of the Bar who have gone to their graves. I heard him speak in high praise of some, of others I heard not a word. I could recall one or two toward whose memory it was mercy to direct no word—whose kindest friends could only wish forgetfulness to cover their memories, as the earth covers their bodies. How bootless it was that they struggled for success in disregard of truth, faith and honor, which entailed upon their character a taint unfit for human memory, unfit for example—unfit for respect.

It was my fortune on coming to Ohio to complete my law studies with General Goddard. I knew him well in his professional life. No man of higher principles of honor—no man of more exalted integrity—no man with a fuller sense of justice—no man more ready to repair an injustice, ever adorned or gave character to the bar of Ohio.

As I look back over General Goddard's career as a lawyer and as a man, the more boldly, and fully and beautifully does his character develop itself as a model—both as lawyer and man. Let me inquire of you my brethren of the bar, whether an appeal to you will be fruitless to make your professional lives like his, that they after your death, shall stand out as examples before younger practitioners, inspiring them to become great and good as his example inspires us to seek to become as he was.

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After General Ball's address, the doxology "Praise God from whom all blessings flow" was sung by the quartette, and a benediction pronounced by Rev. Dr. Kingsbury, when the people dispersed.

## Appendix to the Historical Address.

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The Bar Association of Muskingum county having determined to publish the addresses delivered at the opening of the new Court House, it was supposed that lists of the public officers doing duty in or for the county, and of the Bar, would be interesting enough to our people to justify their appearance with the addresses. In preparing them I have been aided by the following named officers and gentlemen, to whom thanks are due: The Hon. Milton Barnes, Secretary of State, W. M. Cunningham, Statistical Clerk to Secretary of State, James T. Irvine, Auditor of County, Col. N. A. Guille, F. A. Seborn, Esq., John R. Stonesipher, Esq., Henry R. Stanbery, Esq., Mr. Benson Loyd and Mr. James B. Cox. The other lawyers of the city have also aided me in revising the list of members of the Bar. I found that I could not ascertain the Coroners, Surveyors and Infirmary Directors so as to make complete lists, and therefore, insert no lists of these officers. Mr. Cunningham, of the Secretary of State's office writes me that on July 23d, 1804, Levi Whipple was commissioned as Surveyor, and on December 1, 1804, as Coroner; so he was the first Surveyor, and also the first Coroner of the county.

MOSES M. GRANGER.

## THE MUSKINGUM BAR, 1804---1877.

The following list contains the names of those lawyers who have resided in Muskingum county, as members of its Bar. So far as I know no attempt to complete such a list has hitherto been made; and this is only approximatively correct. The lawyers whose names are printed in *italics* still reside in Muskingum county, but several of them are not now in practice.

In addition to those named in the address as worthy of special note, I add here the following:

ELIJAH HAYWARD, who practiced in this county in 1836, and subsequent years, was one of the Judges of the Supreme Court of Ohio, in 1830.

ROYAL T. SPRAGUE, a member of our Bar about 1838, became Chief Justice of the Supreme Court of California. His wife was a daughter of Judge William Blackson, one of our Associate Judges.

COOPER K. WATSON, of 1842, was afterward a Congressman from the Tiffin district, a Judge of common pleas in the Huron district, and member of the Constitutional Convention in 1873-4.

CYDOR B. THOMPSON, (1836) and EDWARD BALL, (1860,) were Congressmen from Muskingum district, each serving four years.

JAMES M. LOVE, who practiced here about 1843, has been for many years United States District Judge for Iowa.

*Errata:* See remarks on H. J. Jewett in the address. The majority against him in 1860, was 64 instead of 37.

In the address the date at which Ebenezer Granger came to Zanesville is given as 1812. I have since found a record showing that he was here in 1810.

1804.	1830.
Lewis Cass,	John T. Arthur,
Wyllis Silliman.	George W. Jackson.
1805.	William P. Moorehead.
Samuel Herrick.	William R. Putnam.
1809.	1831.
Samuel W. Culbertson.	George H. Flood.
1810.	Charles Stetson.
Ebenezer Granger.	1832.
1812.	Charles C. Convers.
Alexander Harper.	1833.
1814.	G. Nelson Cuming,
E. B. Mervin.	Virtulon Rich,
1817.	Washington Van Hamm.
Appleton Downer.	1834.
Charles B. Goddard.	Joseph Moorehead.
John C. Stockton.	John R. Mulvaney.
1819.	Isaac Parish.
John Doland,	1835.
Richard Stilwell.	Wyllis Buell,
1820.	Edmund C. Cusack.
William A. Adams.	John Evans,
Charles C. Gilbert.	C. R. Hendee.
1822.	Josiah Lovell.
David Spangler.	1836.
1825.	James Boyle,
Leonidas L. Hamline.	<i>Napoleon A. Guille,</i>
George James,	Elijah Hayward,
Joshua Mathiot.	Cornelius Moore,
Noah H. Swayne.	Cydnor B. Tompkins.
Henry Stanbery.	1837.
1827.	John Dillon.
Alexander S. B. Culbertson.	Mathew Gaston.
1828.	Welles Hawes,
John H. Keith.	William T. McKibbin.
1829.	W. D. Wilson.
George W. Silliman.	

1838.	1846.
W. W. Backus,	T. Cleveland,
<i>Samuel Chapman,</i>	Samuel Cochran.
Cautious C. Covey,	1847.
John W. Foster,	<i>William H. Ball,</i>
I. B. B. Hale,	Hugh J. Jewett.
Andrew R. Jackson,	George W. Manypenny,
Royal T. Sprague.	Corrington, W. Searle.
1839.	1848.
———— Camp,	J. M. Buell,
Charles Mathews,	Alfred Brown,
Chauncey A. Pardey	James H. Monroe.
1841.	1849.
Franklin Gale,	E. A. Bratton,
P. S. Slevin,	Samuel S. Cox,
Alexander Van Ham.	<i>Lucius P. Marsh.</i>
1842.	1851.
Thomas M. Drake,	<i>Thomas J. Taylor.</i>
James Henderson,	1852.
J. B. Longley,	William W. Johnson.
Cooper K. Watson.	1853.
1843.	<i>Moses M. Granger.</i>
Henry Beard,	John C. Hazlett,
Howard Copeland,	Robert W. P. Muse.
James M. Love,	Hiram Skinner.
David H. Lyman,	Abner Starkey.
John Percy,	1854.
Charles R. Rhodes.	Charles K. Wright.
1844.	1855.
W. B. Abbot,	R. D. Chalfant,
<i>Augustus P. Blocksom.</i>	John Haynes,
Ezra B. Eastman,	John Q. Lane,
<i>John O'Neill,</i>	Homer Thrall,
<i>Frederick A. Seborn.</i>	A. O. Wagstaff.
1845.	1856.
Edmund Brush,	John H. Ash,
Theodore Convers,	Alexander S. Cox.
Daniel Convers Goddard.	Robert H. Gilmore.
James R. Harper,	James A. Parker.
Rowland D. Noble.	Seth Weldy.



1857.

Mordecai Bartley,  
Henry C. Brown,  
J. Delafield Du Bois,  
W. C. Gaston,  
Charles C. Goddard,  
Thomas Potts.

1858.

John A. Blair,  
Daniel B. Gary,  
William D. Hamilton,  
W. R. Henderson,  
George Abbot James,  
Washington Miller.

1859.

Peleg Bunker,  
Ezra E. Evans.

1860.

Edward Ball,  
Daniel B. Linn,  
Albert W. Train.

1861.

John W. Beall,  
John G. Chandler,  
William Ewing,  
Stephen A. Guthrie,  
George Randall.

1862.

Joshua G. Madden,  
Thomas J. Maginnis.

1863.

Solon Fisk.

1864.

Alfred E. Fillmore,  
Lyman J. Jackson,  
William Okey.

1865.

Fenton Bagley,  
John W. King,  
James E. Palmer.

1866.

Edgar W. Allen,  
——— Barclay,  
Charles W. Chandler,  
G. L. Phillips,  
Frank H. Southard,  
Milton L. Southard.

1867.

Albion J. Andrews,  
Charles A. Beard,  
William H. Hall,  
Gilbert D. Munson.

1868.

W. L. Bane,  
Allen Miller,  
W. A. E. Rhode.

1869.

B. M. Dilley,  
John Mason,  
Charles E. Randall.

1870.

Charles H. Durban,  
Reuben H. Morgan,  
Andrew L. Peairs.

1871.

William C. Blockson,  
John R. Stonesipher.

1872.

Orlando C. Marsh,  
George Porter,  
Benjamin F. Power,  
Tilston F. Spangler.

A. H. Stilwell.

Charles M. Vandenburg.

1873.

Henry A. Arlin,  
Eugene J. Brown,  
Henry L. Korte,  
William A. Taylor.

1874.	1877.
Charles H. Blair,	William V. Cor.
J. W. Garside,	John W. Martin.
Henry C. Van Voorhis,	Robert H. McFarland.
1875.	Henry R. Stanbery.
Herman F. Auchauer,	
H. S. Crozier,	Erratum: Add in 1823,
Frank B. Williamson,	Benjamin Reeve.
Robert N. C. Wilson.	
1876.	and in 1851,
J. T. Crer,	———Buchanan.
Frederick, S. Gates.	

## Members of the General Assembly.

### SENATORS.

1805—Joseph Buell, Hallem Hempsted; Athens, Gallia, Washington and Muskingum.

1806. Hallem Hempsted, Leonard Jewett; Athens, Gallia, Washington and Muskingum.

1807. Leonard Jewett, John Sharp; Athens, Gallia, Washington and Muskingum.

1808-'9. Robert McConnell; Muskingum and Tuscarawas.

1810-'11. Robert McConnell; Guernsey, Muskingum and Tuscarawas.

1812-'14. Robert McConnell; Muskingum.

1815-'16. Ebenezer Buckingham; "

1817-'18. George Jackson; "

1819. Samuel Sullivan; " (resigned.)

1820. John Matthews; "

1821-'2. Thomas Ijams; "

1823-'4. Ebenezer Buckingham; "

1825-'6.—Wyllis Silliman; "

1827-'9. John Hamm; " (resigned.)

1830. James Raguet; "

1831-'2.	Ezekiel T. Cox :	Muskingum.
1833-'4.	Thomas Anderson :	"
1835-'8.	Samuel J. Cox :	"
1839-42.	James Henderson :	"
1843-'4.	David Chambers :	" (Speaker, 1844.)
1845-'8.	Charles B. Goddard :	" (Speaker, 1847.)
1849-50.	Charles C. Conyers :	" (Speaker, 1850.)
1852-'3.	William E. Finck :	Muskingum and Perry.
1854-'5.	Hugh J. Jewett :	"
1856-'7.	Eli A. Spencer :	"
1858-'9.	Ezekiel Vanatta :	"
1860-'1.	Charles W. Potwin :	"
1862-'3.	William E. Finck :	"
1864-'5.	Thomas J. Maginnis.	"
1866-'9.	Daniel B. Linn :	"
1870-'3.	William H. Holden :	"
1874-'7.	Elias Ellis :	"

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#### REPRESENTATIVES.

1805. Elijah Hatch, James Clark, James E. Phelps, Athens, Gallia, Muskingum and Washington.

1806. Levi Barker, Lewis Cass, William H. Puthuff, Athens, Gallia, Muskingum and Washington.

1807. John R. P. Bureau, Joseph Palmer, John Mathews, Athens, Gallia, Muskingum and Washington.

1808. David J. Marple, James Clark, Muskingum and Tuscarawas.

1809. David J. Marple, George Jackson, Muskingum and Tuscarawas.

1810. George Jackson, David J. Marple, Guernsey, Muskingum and Tuscarawas.

1811. George Jackson, William Frame, Coshocton, Guernsey, Muskingum and Tuscarawas.

1812. John Hamm, Stephen C. Smith, Muskingum.

1813. Stephen C. Smith, Joseph K. McCune, Muskingum.

1814. David Chambers, Stephen C. Smith, "

1815. Robert Mitchell, Joseph K. McCune, "

1816. Robert Mitchell, Robert McConnell, "

1817.	Christian Spangler, Thomas Nisbet,	Muskingum.
1818.	James Hampson, John Reynolds,	"
1819.	John Reynolds, Robert McConnell,	"
1820.	Alexander Harper, Robert K. McCune,	"
1821.	Alexander Harper, William H. Moore,	"
1822.	William H. Moore, Nathan C. Findlay,	"
1823.	John C. Stockton, Joseph K. McCune,	"
1824.	Thomas L. Pierce, Thomas Flood,	"
1825.	Thomas L. Pierce, James Hanason,	"
1826.	Thomas Flood, James Hampson,	"
1827.	James Hampson, John C. Stockton,	"
1828.	Wyllis Silliman, David Chambers,	"
1829.	Littleton Adams, James Raguet,	"
1830.	Thomas Maxfield, Littleton Adams,	"
1831.	Appleton Downer, David Peairs,	"
1832.	William Cooper, John H. Keith,	"
1833.	John H. Keith, William Cooper,	"
1834.	Aaron Robinson, William H. Moore,	"
1835.	Aaron Robinson, William H. Moore,	"
1836.	David Chambers,	"
1837.	David Chambers, David K. McCune,	"
1838.	David Chambers, Charles B. Goddard,	"
1839.	Abraham Pollock, George W. Adams,	"
1840.	Abraham Pollock, John Watkins,	"
1841.	David Chambers, Charles Bowen,	"
1842.	David Chambers, Charles Bowen,	"
1843.	Joseph Fisher, Davis Johns,	"
1844.	Davis Johns,	"
1845.	Edward Ball, John Trimble,	"
1846.	John Trimble,	"
1847.	A. S. B. Culbertson, Abel Randall,	"
1848.	Abel Randall,	"
1849.	Edward Ball,	"
1850.	William Morgan,	"
1852.	William Morgan, William C. Filler,	"
1854.	John Metcalf, Samuel McCann,	"
1856.	John A. Blair, John Crooks,	"
1858.	John A. Blair, Lewis Frazee,	"

1860.	Daniel Van Vorhes, Elisha I. Trimble, Townsend Gore, Muskingum.	
1862.	Thaddeus A. Reamy, Jacob Glessner, Muskingum.	
1864.	James Gallogly, Elijah Little,	..
1866.	A. W. Shipley, Perry Wiles,	..
1868.	Edward Ball, H. J. Jewett,	..
1870.	Edward Ball, Elias Ellis,	..
1872.	William H. Ball, Elias Ellis,	..
1874.	James A. Moorehead, John B. Sheppard,	..
1876.	Harvey L. Cogsil, L. Rambo.	..

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### President Judges---Common Pleas.

Levin Betts, 1804-'5.

Calvin Pease, 1805—1808.

William Wilson, 1808—1822.

Alexander Harper, 1822—1836.

Corrington W. Searle, 1836—1847.

Richard Stilwell, 1847—1851.

Corrington W. Searle, 1851—1852.

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### Judges of Common Pleas.

Richard Stilwell, February 19, 1852, September 16, 1854.

John E. Hanna, September 16, 1854, October 20, 1854.

Charles C. Convers, October 20, 1854, October 19, 1855.

Corrington W. Searle, October 19, 1855, October 25, 1856.

Lucius P. Marsh, October 25, 1856, February 9, 1862.

Ezra E. Evans, February 9, 1862, December 10, 1866.

Moses M. Granger, December 10, 1866, October 9, 1871.

Frederick W. Wood, August 3, 1869, August 3, 1874.

William H. Frazier, October 9, 1871.

Lucius P. Marsh, August 3, 1874.

Judge Frazier was re-elected in October, 1876; his present term will expire February 9th, 1882. Judge Marsh's present term will expire August 3, 1879.

## Associate Judges of Common Pleas.

In February, 1804, David Harvey, William Wells, and John Campbell, were commissioned as the first three Associate Judges for Muskingum County. William Wells resigned before taking his seat; and on March 15, 1804, Jesse Fulton was appointed to fill the vacancy. David Harvey resigned June 19, 1804, and on June 29, 1804, Richard McBride was appointed in his place. John Campbell resigned December 4, 1804, and on December 13, 1804, Giles Hempstead was appointed. On February 7, 1805, the legislature elected Jesse Fulton, Richard McBride, and Seth Carhart.

David Harvey, February 17, June 19, 1804.

William Wells, February 18, February, 25, 1804.

John Campbell, February 20, December 4, 1804.

Jesse Fulton, March 15, 1804, 1815.

Richard McBride, June 29, 1804, 1813.

Giles Hempstead, December 13, 1804, February 7, 1805.

Seth Carhart, February 7, 1805, did not accept.

William Mitchell, February 27, 1805, 1815.

David Findlay, 1813, 1820.

Stephen C. Smith, 1815, 1818.

Daniel Stilwell, 1815, 1822.

Robert Mitchell, 1818, 1833.

John Reynolds, 1830, to June 27, 1822.

Robert McConnell, January 1822, August 6, 1827.

David Young, June 27, 1832, January, 1823.

Thomas Ijams, January 1823, 1830.

Edwin Putnam, August 6, 1827, 1842.

Mathew McElhinney, 1830, 1837.

William Blocksom, 1833, 1840.

James Jeffries, 1837, 1844.

William Cooper, 1840, 1847.

Jacob P. Springer, 1842, 1852.

Horatio J. Cox, 1844, 1852.

Wilkin Reed, 1847, 1852.

## Probate Judges.

Mahlon Sims, February 9, 1852, 1858.

William T. Mason, February 9, 1858, 1864.

Robert W. P. Muse, February 9, 1864, 1870.

Henry L. Korte, February 9, 1870, 1873.

Reuben H. Morgan, February 9, 1873, 1875.

Henry L. Korte, ———1875.

Judge Korte was appointed on the 24th day of March, 1875, to fill the vacancy occasioned by the resignation of Judge Morgan. In October, 1876, he was elected for the full term which will expire February 9, 1879.

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## Supreme Court.

The first regular term of the Supreme Court held in Muskingum county, began September 9, 1805. Present Samuel Huntington and William Sprigg, Judges.

The following list shows the Clerks of the Supreme Court for Muskingum County :

Abel Lewis, 1805, 1812.

John C. Stockton, 1812, 1817.

Daniel Chambers, 1817, 1821.

John Peters, (*pro tem.*) 1821.

Ezekiel T. Cox, 1821, 1828.

John Wilson, Jr., 1828, 1834.

Ezekiel T. Cox, 1834, 1852.

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## Clerks of Common Pleas.

Abel Lewis, 1804, 1812.

John C. Stockton, 1812, 1817.

David Chambers, 1817, 1821.

John Peters, (*pro tem.*) 1821.

Ezekiel T. Cox, 1821, 1828.

John Willson, Jr., 1828, 1834.

Ezekiel T. Cox, 1834, 1841.

George W. Manypenny, 1841, 1846.

Anthony Wilkins, 1846, 1852.  
 Charles C. Russell, 1852, 1864. ,  
 John Hoopes, 1864, 1867.  
 Gemmill Arthur, 1867, 1870. ·  
 George W. Blocksom, 1870, (*pro tem.*)  
 Edgar Allen, 1870, 1873.  
 Frederick W. Geiger, 1873.

Clerk Russell, in October, 1863, was elected for a fifth term, to expire February 9, 1867, but resigned in April, 1864.

Clerk Geiger was elected a second time, in October, 1876; his present term will expire in the fall of 1879.

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## Sheriffs.

George Beymer, 1804, 1808.  
 Jacob Crooks, 1808, 1812.  
 John Reynolds, 1812, 1816.  
 Charles Roberts, 1816, 1819.  
 James Hampson, 1819, 1823.  
 John Burwell, 1823, 1827.  
 John Stanton, 1827, 1829.  
 Daniel Brush, 1829, 1833.  
 Asa R. Cassidy, 1833, 1837.  
 Zacariah Adams, 1837, 1839.  
 Edward Ball, 1839, 1843.  
 John Dillon, 1843, 1847.  
 Carson Porter, 1847, 1850. (Died in office.)  
 Benjamin F. Leslie, 1850, 1854.  
 Joseph Richey, 1854, 1856.  
 James C. Wolf, 1856, 1858.  
 Penrod Bateman, 1858, 1860.  
 James C. Wolf, 1860, 1864. (Died in office.)  
 John Quigley (Coroner and Acting Sheriff), 1864, 1865.  
 Benjamin F. Leslie, 1865, 1869.  
 Benson Loyd, 1869, 1873.  
 William Ruth, 1873, 1877.  
 Orrin Ballou, 1877.

Sheriff Ballou's present term will expire in January, 1879.



## PROSECUTING ATTORNEYS.

Lewis Cass, 1804, 1812.

Samuel Herrick, 1812, 1818.

John C. Stockton, 1818, 1820.

Richard Stilwell, 1820, 1837.

Wyllis Buell, 1837, to April, 1839.

Cautious C. Covey, April, 1839, to November, 1839.

Napoleon A. Guille, 1839 to 1851.

William H. Ball, 1851 to April, 1853.

John O'Neill, April, 1853, to January, 1856.

John C. Hazlett, January, 1856, to October, 1861.

John Haynes, October, 1861, to October, 1864.

Lyman J. Jackson, October, 1864, to January, 1866.

Moses M. Granger, January, 1866, to December, 1866.

Albert W. Train, December, 1866, to January, 1868.

Milton I. Southard, January, 1868, to November, 1872.

Daniel B. Gary, November, 1872, to January, 1874.

Albion J. Andrews, January, 1874.

Mr. Andrews' present term will expire January, 1878.

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Mr. James T. Irvine, the present County Auditor, volunteered to supply lists of the Commissioners, Treasurers, Auditors, and such others of the county officers as I had neither time nor opportunity to make: and the following lists, except members of the Constitutional Conventions, members of Congress, and the Recorders prior to 1829, were prepared by him. Contrary to expectation, he has succeeded in making lists of the Surveyors, Coroners and Infirmary Directors.

## COUNTY COMMISSIONERS.

On the evidence of our oldest inhabitant, Stephen Reeve, Esq., who leased school land of them in 1804, our first County Commissioners were William Montgomery, Joseph F. Munro, and Christian Spangler. The records show:

Isaac Evans.—— to December, 1807.

Robert Speer.—— to December, 1807.

William Whitten.—— to December, 1808.

William Newell.—— to December, 1809.

Jacob Gomber, from December, 1807, to December, 1809.

## COUNTY COMMISSIONERS—CONTINUED.

Daniel Stilwell, from December, 1808, to December, 1811.  
Thomas Nisbet, from December, 1809, to December, 1812.  
George Reeve, from April, 1810, to December, 1810.  
John Willey, from December, 1810, to April, 1814 (died).  
Benjamin Spry, from December, 1811, to September, 1814.  
William H. Moore, from December, 1812, to December, 1818.  
Luke Walpole, from April, 1814, to September, 1814.  
James L. Fleming, from December, 1814, to October, 1819.  
William Hunter, from December, 1814, to November, 1817.  
Simeon Sims, from November, 1817, to November, 1820.  
Thomas Flood, from December, 1818, to November, 1820.  
John Robertson, from October, 1819, to December, 1825.  
Jared Brush, from November, 1820, to December, 1824.  
James Jefferies, from March, 1821, to December, 1821.  
Israel Robinson, from December, 1821, to December, 1826.  
John Handle, from December, 1824, to December, 1830.  
Joseph Springer, from December, 1825, to December, 1827.  
Absalom Roberts, from December, 1826, to December, 1829.  
William Hamilton, from December, 1827, to November, 1831.  
Isaac Helmick, from December, 1829, to November, 1831.  
Israel Robinson, from December, 1830, to November, 1839.  
Samuel McCann, from November, 1831, to November, 1834.  
Lyle Fulton, from November, 1831, to October, 1838.  
John Adams, from November, 1834, to his death in 1837.  
Samuel McCann, December, 1837, to October, 1838.  
John Thompson, from October, 1838, to December, 1841.  
Beverly Lemert, from December, 1838, to October, 1840.  
John Goshen, from December, 1839, to December, 1845.  
Robert Boggs, from October, 1840, to December, 1843.  
Littleton Moore, from December, 1841, to November, 1844.  
Joshua Bennett, from December, 1843, to December, 1846.  
Henry Wheeler, from November, 1844, to December, 1847.  
Mablon Sims, from December, 1845, to October, 1851.  
Stephen Reeve, from December, 1846, to December, 1852.  
William Johnson, from December, 1847, to November, 1850.  
James Carnes, from November, 1850, to November, 1853.  
Joseph R. Thomas, from October, 1851, to December, 1857.  
Lewis M. Pierson, from December, 1852, to December, 1855.

## COUNTY COMMISSIONERS—CONTINUED.

Samuel Clark, from November, 1853, to December, 1856.  
Abel Randall, from December, 1855, to December, 1858.  
Jonathan Swank, from December, 1856, to November, 1859.  
Hugh Madden, from December, 1857, to November, 1860.  
John Baughman, from December, 1858, to December, 1861.  
E. E. Fillmore, from November, 1859, to November, 1862.  
William T. Tanner, from November, 1860, to February, 1864.  
George W. Slater, from December, 1861, to December, 1867.  
William Pringle, from November, 1862, to December, 1865.  
E. E. Fillmore, from February, 1864, to December, 1869.  
J. B. Milhons, from December, 1865, to December, 1868.  
E. L. Lemert, from December, 1867, to December, 1870.  
Robert Silvey, from December, 1868, to December, 1871.  
Austin Berry, from December, 1868, resigned February, 1870.  
William Hall, from February, 1870, resigned December, 1874.  
Daniel Hattan, from January, 1871, to December, 1872.  
Leonard N. Stump, from December, 1871, to December, 1874.  
John Sims, from December, 1872, (incumbent.)  
Thomas Griffith, from December, 1874, (incumbent.)  
Leonard N. Stump, from December, 1874, to December, 1875.  
William T. Tanner, from December, 1875, (incumbent.)

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## CLERKS TO COUNTY COMMISSIONERS.

Elijah Beall, ——— to December, 1808.  
Benjamin Tupper, from December, 1808, to December, 1811.  
Robert Mitchell, from December, 1811, to June, 1812.  
William Craig, from June, 1812, to September, 1814.  
George Reynolds, from September, 1814, to January, 1815.  
James Perry, from February, 1815, to February, 1821 (when the office was abolished).

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## COUNTY AUDITORS.

The office of County Auditor was created by an act of the General Assembly, passed February 8, 1820. It grew out of the office of Clerk to the Board of County Commissioners. Its duties have since been continuously multiplied and enlarged, under successive acts of the Legislature, until they are now peculiarly numerous, difficult and complicated. The names of the several County Auditors are as follows :

## COUNTY AUDITORS—CONTINUED.

John Burwell, from March, 1821, to October, 1823, when he resigned to take the office of Sheriff.

John W. Spry, from October, 1823, to March, 1845, *nearly twenty-two years*.

Richard I. Peach, from March, 1845, to March, 1855.

Imri Richards, from March, 1855, to March, 1857.

Bernard Van Horne, from March, 1857, to March, 1859.

Jesse Atwell, from March, 1859, to March, 1861.

Gemmill Arthur, from March, 1861, to March, 1865.

Caleb D. Caldwell, from March, 1865 : died September 6, 1871.

Imri Richards, from September, 1871, to November, 1871.

Andrew P. Stults, from November, 1871, to November, 1875.

James T. Irvine, from November, 1875 (incumbent).

## COUNTY COLLECTORS.

Jacob Crooks, from June, 1807, to June, 1811.

W. Scott, " " 1811, " " 1812.

Robt. Mitchell, " " 1812, " " 1813.

James Vickers, " " 1813, " " 1817.

William Craig, " " 1817, " " 1818.

John Russell, " " 1818, " " 1820.

Wm. Hunter, " " 1820, " " 1822.

Daniel Brush, " " 1822, " " 1825.

John Honck, " " 1825, " " 1826.

Silas Robinson, " " 1826, " " 1827.

(when the office was abolished.)

## COUNTY APPRAISERS OF LAND.

John Burwell, in 1834.

Matthew McElhiney, in 1840.

(In 1846, and since, District Assessors.)

## COUNTY ASSESSORS (ANNUAL).

Daniel Brush, from 1825 to 1827.

Lewis Ijams, " 1827 " 1830.

William Ellis, " 1830 " 1832.

Jos. Springer, " 1832 " 1834.

Matthias Spangler, 1834 " 1835.

Jesse L. Manley, 1835 " 1839.

Joseph P. Huston, 1839 (when the office was abolished).

## COUNTY TREASURERS.

William Montgomery, from ———, 1805, to June, 1807.  
Joseph F. Munro, from June, 1807, to June, 1810.  
Benjamin Sloan, from June, 1810, to October, 1813.  
Christian Spangler, from October, 1813, to June, 1818.  
Samuel Sullivan, from June, 1818, to October, 1819.  
Thomas Moorehead, from October, 1819, to June, 1827.  
John Roberts, from June, 1827, to June, 1830.  
John Burwell, from June, 1830, to June, 1832.  
John Roberts, from June, 1832, to June, 1834.  
Daniel Brush, from June, 1834, to June, 1836.  
John Roberts, from June, 1836, to June, 1838.  
John Russell, from June, 1838, to June, 1844.  
Benjamin F. Leslie, from June, 1844, to June, 1846.  
Adam Peters, from June, 1846, to June, 1850.  
John Dillon, from June, 1850, to June, 1854.  
Isaac Stiers, from June, 1854, to June, 1856.  
Benjamin Adams, from June, 1856; died September, 1857.  
John Dillon, from September, 1857, to June, 1858.  
William Lynn, from June, 1858; died September, 1862.  
J. B. H. Bratshaw, from Sept., 1862, resigned March, 1864.  
John Dillon, from March, 1864, to September, 1866.  
Joseph T. Gorsuch, from September, 1866, to September, 1868.  
John M. Lane, from September, 1868, to September, 1872.  
Robert Silvey, from September, 1872, to September, 1876.  
George W. Allen, from September, 1876 (incumbent).

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## COUNTY RECORDERS.

It seems that conveyances of land lying in Muskingum continued to be recorded in the office of the Washington County Recorder until April 17, 1806. From 1806 to 1831, the Recorder was appointed by the Court of Common Pleas, and, as the list shows, the Clerk of that court was usually the Recorder.

## LIST.

Abel Lewis, April 17, 1805, to February 13, 1810.  
George Reeve, February 23, 1810, to April, 1817.  
David Chambers, April, 1817, to November, 1820.  
John Peters, November, 1820, to November 22, 1821.  
Ezekiel T. Cox, November 22, 1821, to October, 1831.

In 1829, a law for the election of a Recorder by the people was passed, but it did not affect the terms of those then in office. Mr. Cox's term expired early in 1831, but the Commissioners of the county, under said law, appointed him to serve until after the election of that year. At that election Anthony Wilkins was chosen.

Anthony Wilkins, October, 1831, to October, 1840.

Wm T. McKibbin, October, 1840, to September, 1841 (died).

Imri Richards, September, 1841, to November, 1841.

John Hilliard, November, 1841, to January, 1851.

Joseph P. Huston, January, 1851, to January, 1854.

Horatio W. Chandlee, January, 1854, to January, 1857.

George W. Ritze, January, 1857, to October, 1860 (died).

Ephraim P. Abbot, October, 1860, to October, 1861.

John J. Ingalls, October, 1861, to January, 1868.

Jesse H. Mitchell, January, 1868, to January, 1871.

William H. Cunningham, January, 1871, to January, 1877.

David Zimmer, January, 1877. Now in office.

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#### COUNTY SURVEYORS.

Levi Whipple, from 1804 to —.

Chas. Roberts, " — " 1817.

John Roberts, " 1817 " —.

Wm. F. Beavers, " 1833 " 1839.

James Boyle, " 1839 " 1845.

Joseph Fisher, " 1845 " 1854.

Jos. J. Hennon, " 1854 " 1857.

John Smyth, " 1857 " 1860.

Mark Lowdan, " 1860 resigned 1861.

Jno. W. Roberts, " 1861 " 1864.

Joseph Fisher, " 1865 to 1868.

James P. Egan, " 1868 " 1871.

Joseph Fisher, " 1871 " 1874.

James P. Egan, " 1874 " 1877.

William Dunn, " 1877 (incumbent).

POOR-HOUSE OR INFIRMARY DIRECTORS.

[The County Poor-House was completed in the year 1840.]

Isaac Dillon, from June, 1840, to June, 1841.

Jno. Slaughter, " " " " " "

Daniel Brush, " " " " " "

John Peters, from June, 1841, resigned June, 1846.

John Roberts, from June, 1841, to December, 1842.

William Camp, from June, 1841, resigned June, 1846.

Edwin Burlingame, from December, 1842, resigned June, '46.

Austin Berry, from June, 1846, to November, 1857.

Lawson Wiles, from June, 1846, to November, 1847.

John Vandembark, from June, 1846, to November, 1849.

James Helmick, from November, 1847, to November, 1853.

Robert J. Smith, from November, 1849, resigned March, 1851.

John Goyer, from March, 1851, to November, 1852.

Robert Lee, from November, 1852, resigned March, 1858.

Joseph Larzalere, from November, 1853, to November, 1856.

Joseph Mattingly, from November, 1856, to November, 1859.

Wm. T. Tanner, from November, 1857, to November, 1860.

Joseph R. Thomas, from March, 1858, to November, 1858.

William Shaffer, from November, 1858, to November, 1864

David Sidle, " " 1859, " " 1862.

Isaac Van Horne, " " 1860, " " 1863.

John L. Taylor, " " 1862, " " 1865.

William Lee, " " 1863, " " 1866.

James Warner, " " 1864, " " 1867.

Waldo B. Guthrie, " " 1865, died Sept. 18, 1866.

William Lee, " " 1866, to November, 1868.

Isaac C. Story, " " 1866, " " 1869.

Patrick Brennan, " " 1867, " " 1873.

John L. Taylor, " " 1868, " " 1871.

M. V. B. Mitchell, " " 1869, " " 1872.

Wm. T. Tanner, " " 1871, " " 1874.

John W. Marshall, " " 1872, " " 1875.

Peter L. Burgoon, " " 1873, " " 1876.

Patrick C. Ryan, " " 1874, (incumbent).

Robert Slack, " " 1875, "

John W. Marshall, " " 1876, "

MEMBERS OF  
STATE CONSTITUTIONAL CONVENTIONS.

Ohio has had three Constitutional Conventions. Muskingum county was in 1802 a part of Washington county, but a resident within its limits, JONX MELTIRE, sat in the convention of that year as one of the delegates from Washington county. The following list shows who represented Muskingum in the other two conventions:

1850-1.	1873-4.
David Chambers.	Charles C. Russell.
Richard Stilwell.	Daniel Van Vorhes.

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MEMBERS OF CONGRESS

The following list shows by whom Muskingum County has been represented in the National House of Representatives: the districts were changed once in each ten years:

1803—1813—Jeremiah Morrow, 1843—1847—Alex. Harper,  
 1813—1817—James Caldwell, 1847—1851—Nathan Evans,  
 1817—1821—Samuel Herrick, 1851—1853—Alex. Harper,  
 1821—1823—David Chambers, 1853—1857—Edward Ball,  
 1823—1829—Philemon Beecher, 1857—1861—C. B. Tompkins,  
 1829—1833—Wm. W. Irvin, 1861—1863—Wm. P. Cutler,  
 1833—1835—Robt. Mitchell, 1863—1865—John O'Neill,  
 1835—1837—Elias Howell, 1865—1869—Columbus Delano,  
 1837—1839—Alex. Harper, 1869—1873—Geo. W. Morgan,  
 1839—1841—Jonathan Taylor, 1873—1877—Milton L. Southard,  
 1841—1843—Joshua Mathiot.

Mr. Southard was again elected, in 1876, for the term that will end in 1879.



## CORONERS.

Levi Whipple, from	1804	to	1811.
Luke Walpole, “	1811	“	—
Charles Roberts, “	1815	“	1817.
Samuel Thompson, from	1817	to	1821.
Wm. H. Moore, “	1821	“	1822.
Jacob Crooks, “	1823	“	1823.
Samuel Thompson, “	1824	“	1828.
Samuel Parker, “	1828	“	1832.
William Twaddle, “	1832	“	1834.
Samuel Parker, “	1834	“	1838.
Richard Collum, “	1838	“	1840.
Samuel Gates, “	1840	“	1843.
William Flanagan, “	1843	“	1846.
John W. White, “	1846	“	1848.
James Caldwell, “	1848	“	1850.
Elijah Brown, “	1850	“	1852.
John Quigley, “	1852	“	1854.
John Bratton, “	1854	“	1856.
John Quigley, “	1856	“	1868.
John D. Bonnet, “	1868	“	1874.
Anderson Evans, “	1874	“	1876.
Daniel Smith, “	1876		(incumbent).

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*Errata:* In list of lawyers, page 72, omit Alexander Van Haman from 1841 and insert him in 1868. In 1857 Charles C. Goddard and Thomas Potts should be printed in italics; also, W. R. Henderson in 1858; all three still reside in Muskingum county. John W. Beall in 1861 ought not to be in italics; he does not now live in this county. In 1868 — Barclay should be C. R. Barclay. On page 74, for Erratum read Errata. On page 80, for Zacariah Adams read Zachariah Adams.

## THE NEW COURT HOUSE.

[Extract from the last Annual Report of the Board of County Commissioners.]

It is known to all the people of the County that during the last two years a substantial and commodious new Court House has been in process of construction. The old building, (it was evident to every observer, as well as manifest to the whole body of citizens, whose duties required their presence and attendance at any time therein), had become, not only dilapidated, but totally unfit and inadequate for the public business of the County. This business in the sixty-five years from the erection of that building, had increased out of all proportion to the accommodations therein provided for it. The general public sense and the opinions of competent judges at last united in the conclusion that a new, safe and much larger edifice was clearly needed for the local administration of justice, the discharge of official duties, and the preservation and safety of the important and valuable public records. The loss of these records would be irreparable, and would entail continuous disputes and litigation upon the property owners and tax payers of the County. The Supreme Court of the State has declared that: "It is the legal duty of the County Commissioners to furnish all things coupled with the administration of justice within the limits of their County," with special reference to court-houses and their conveniences; and the spirit of the decisions of all the Courts of the State is, that the Commissioners are bound to provide court-rooms physically comfortable to the judges, the clerks, the attorneys, the parties to suits, the witnesses, and the spectators; so that public business may be expedited, and the purposes of the courts speedily accomplished.

The new edifice was designed to be adequate not only to the present wants of the community, but to meet its probable wants for a long period in future. With this object primarily in view, the new structure is built of the most enduring materials, proof against fire, and permanent in every part, as well as commodious and comfortable in accommodations for the people of a county now containing at least 60,000 inhabitants, and likely to contain fully 100,000 at or before the end of the next twenty-five years. Strength, neatness and adaptation to its uses were intended to be combined, without extravagant ornamentation, and also without unnecessary expense.







Deacidified using the Bookkeeper process.  
Neutralizing Agent: Magnesium Oxide  
Treatment Date:



PRESERVATION TECHNOLOGIES, L.P.  
111 Thomson Park Drive  
Cranberry Township, PA 16066  
724/779-2111



APR 74



N. MANCHESTER,  
INDIANA



0 005 304 083 4